164

No. (2)

Supreme Court, U.S.
FILED

10-139 JUL 24 2010

OFFICE OF THE CLERK
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IN THE

Supreme Court of the United States

GRAZYNA H. CHRISTMAN,
Petitioner

v.

UTICA NATIONAL INSURANCE GROUP, INC.,
Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

APPENDIX

GRAZYNA H. CHRISTMAN
Pro Se
450 ELMDALE AVENUE
UTICA, NEW YORK 13502
(315) 733-6687

APPENDIX *(Cont'd)*

Appendix D

Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-3
Plaintiff's Rule 7.1 Response Filed 05/28/08
Comparison 1999-2004 Accountant I Ratings
Exhibit 15 (Reformatted Table)

TABLE I. COMPARISON OF 1999-2004 PLAINTIFF'S PERFORMANCE RATINGS [1]

DEPARTMENT	SUPERVISOR
REINSURANCE	M. EVOLO
FINANCIAL REPORTING	D. O'CONNELL
CASH MGMT	C. PUTRELO
BUDGET & COST	J. DAVIS
CREDIT & COLLECTIONS	K. LYONS

YEAR	2004[2]	2003[3]	2002[4]
1. QUALITY	3	3	3
2. PRODUCTIVITY	2	3	3
3. JOB KNOWLEDGE	3	3	3
4. WORKING RELATIONS	1	3	3
5. ATTENDANCE	2	3	3
6. PUNCTUALITY	3	4	4
7. INITIATIVE	2	3	3
8. COMMUNICATION SKILLS	1	3	2
9. CREATIVITY	3	2	3
10. FORMAL REPORTS	-	-	-
TOTAL SCORE	20	27	27
OVERALL RATING	2	3	3
YEAR	2001[5]	2000[6]	1999[7]
1. QUALITY	3	3	3
2. PRODUCTIVITY	3	3	3
3. JOB KNOWLEDGE	3	3	3

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4. WORKING RELATIONS	3	2	2
5. ATTENDANCE	4	4	3
6. PUNCTUALITY	4	3	3
7. INITIATIVE	3	3	3
8. COMMUNICATION SKILLS	3	2	3
9. CREATIVITY	3	3	3
10. FORMAL REPORTS	-	-	-
TOTAL SCORE	29	26	26
OVERALL RATING	3	3	3

1998[8] 1997 1996 1995 1994 1993 1992 1991 1990
Not available

Footnotes:

[1] Plaintiff prepared EXHIBIT 15 Table I. by referring to EXHIBITS annexed to Affidavit of Grazyna H. Christman as follows:
[2] 2004 Review is Plaintiff's EXHIBIT 16; Defendant's Exhibit J
[3] 2003 Review is Plaintiff's EXHIBIT 17; Defendant's Exhibit G
[4] 2002 Review is Plaintiff's EXHIBIT 4
[5] 2001 Review is Plaintiff's EXHIBIT 18
[6] 2000 Review is Plaintiff's EXHIBIT 19
[7] 1999 Review is Plaintiff's EXHIBIT 20
[8] Plaintiff requested copies of reviews 1998 & prior years; Defendant failed to produce

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Exhibit 15 (Original Format)

TABLE 1. COMPARISON OF 1999-2004 PLAINTIFF'S PERFORMANCE RATINGS [1]

DEPARTMENT	REINSURANCE	FINANCIAL REPORTING				CASH MGMT	BUDGET & COST			CREDIT & COLLECTIONS			
SUPERVISOR	M EVOLO	D O'CONNELL				C PUTRELLO	J DAVIS			K LYONS			
YEAR	2004 [2]	2003 [3]	2002 [4]	2001 [5]	2000 [6]	1999 [7]	1998 [8]	1997	1996	1995	1994	1993	1992	1991	1990
1 QUALITY	3	3	3	3	3	3									
2 PRODUCTIVITY		3	3	3	3	3									
3 JOB KNOWLEDGE	3	3	3	3	3	3									
4 WORKING RELATIONSHIPS	1	3	3	3	2	2									
5 ATTENDANCE		3	3	4	4	3									
6 PUNCTUALITY	3	4	4	4	3	3									
7 INITIATIVE	3	3	3	3	3	3									
8 COMMUNICATION SKILLS	1	3	2	3	2	3									
9 CREATIVITY	3	2	3	3	3	3									
10 FORMAL REPORTS	–	–	–	–	–	–									
TOTAL SCORE	20	27	27	29	26	26									
OVERALL RATING		3	3	3	3	3	Not available								

Endnotes

(1) Plaintiff prepared EXHIBIT 13 Table 1 by referring to EXHIBITS annexed to Affidavit of Grazyna H. Christman as follows

(2) 2004 Review is Plaintiff's EXHIBIT 16, Defendant's Exhibit J

(3) 2003 Review is Plaintiff's EXHIBIT 17, Defendant's Exhibit G

(4) 2002 Review is Plaintiff's EXHIBIT 4

(5) 2001 Review is Plaintiff's EXHIBIT 18

(6) 2000 Review is Plaintiff's EXHIBIT 19

(7) 1999 Review is Plaintiff's EXHIBIT 20

(8) Plaintiff requested copies of Reviews 1998 & prior years. Defendant failed to produce

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 05/11/04 Memo
Exhibit 28, p.1

[Stamp] DEFENDANT'S EXHIBIT H 11/07/07 NL
Utica National Insurance Group [logo] Insurance that starts with you
To: Grazyna Christman
Office, Dept.
Date: May 11, 2004
From: Michael Evolo
Office, Dept. Reinsurance
Subject: Grazyna's work performance
The following write-up is a summary identifying certain areas of your performance that need immediate improvement. This feedback is intended for you to recognize and understand how I have viewed your performance in the last 9 months. You must give serious consideration to dedicating additional effort to improve in these outlined areas, prior to your 2004 Performance Review in August.
Productivity – During preparation of Schedule F, you missed the Company print deadline for USR and Lloyds. Your work had to be completed by Sandy Giehl, who keyed in the Affiliate information and Josh Watkins, who keyed in the Part 8 information. You also came perilously close to missing the deadline to file the US Treasury Report, which, had it been filed late, Utica Mutual would have been fined. These deadlines were established well in advance and if you felt that you were not going to complete your work in time you should have discussed it with me. (You did not give me any

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advance warning!) You must prioritize your work and use common sense to complete your job tasks. Some additional examples of the need for you to re-evaluate your work priorities:

- The processing of facultative program and individual risk premium payments to reinsurers. Recently, you wanted me to sign a disbursement request giving the authorization for payment of the monthly bill. The GRC disbursement request had a "date out of Utica" of April 30th. The next day you gave me facultative individual risk disbursements that needed to be paid immediately. Obviously, the individual risk disbursements should have been done first, followed by the GRC program business.
- Completion of the Treaty contract settlements or "true-ups" should be a priority. This is of the utmost importance, especially if UMICO is due back $$$. You did not process the settlements for the 2003 PPR or CEoL until after the JPWoods Account Managers meeting in early March, during which the folks from Woods inquired with Rick and me on the status. This is one of your responsibilities and as such it is expected to be completed in a timely fashion.
- Late payment of the HSB January 2004 premium billing. This was not done until HSB called asking for it. It is extremely important that we outperform what our reinsurance partners expect of us. Doing so maintains good working relationships.

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- The failure to recognize the need to complete the 1998 and 1999 Swiss Re Contingent Commission calculation. This was just recently done. This calculation has been overdue for a year and its' mishandling is totally unacceptable. (this should have been completed shortly after 12/31/02) $94,477 dollars owed to Utica. Another case of not using common sense.

Working Relationships – Your working relationships with your immediate work team have become strained and as such, have made for a very uncomfortable work setting. I have observed on a number of occasions where your teammates have tried to assist you and you have responded in rude and unfair manner.

I have had to speak with you on two occasions where your working relationship with Josh had reached an intolerable and disturbing level. In fact, your interactions have on occasions have been disruptive to the point that it has gotten reported to me by unrelated third parties. I have told you both that if negative behavior continues, formal disciplinary action would result.

I have spoken to a number of outside customers that have expressed similar concern for you abrupt tone and tenor and your unwillingness to be flexible. I have heard comments such as "rude and demanding" and "its all about Grazyna." You must improve your

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ability to work with others. Your attitude is easily translated as confrontational, unwilling to listen or compromise, and selfish.
During year-end processing, you failed to adequately and effectively communicate with Financial Reporting to ensure that your Part 8s reconciled with the Asset page. Financial Reporting made a change after you initially checked, and this subsequent change resulted in your Part 8s being out of balance. You did not call to verify with Sandy, as was suggested by your teammates, to verify that she had not processed any additional changes. This resulted in additional work and a delay in the completion of your responsibilities.
You need to better understand how all little pieces of Schedule F come together. Your demeanor to your follow teammates prevents anyone from sitting down and explaining to you the "bigger picture." You make it difficult on yourself by being so unapproachable. You discourage anyone from offering assistance.
I have and will continue to work with you to aid you in adjusting the way you respond to others. You must be willing to make an effort to correct your delivery and improve your interaction skills with others.
Initiative – I am very disappointed with the way you handled yourself during year-end processing and the completion of Schedule F. In my view, you showed little initiative to work as a team member in assisting your peers in accomplishing the common

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goal. You seldom went beyond what was clearly defined as your minimum job function, even while your teammates struggled to complete the bulk of the tasks. This included them coming in on Sunday morning (February 1st) to finalize the job.

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On January 30th, I sat down with you to discuss my expectations that you would need to actively participate in completing Schedule F. That means that on occasion you may be asked to take on additional responsibilities. At that time, I also gave you another copy of your 2003 Performance Review and highlighted the Initiative subsection with a reminder that it was an area you needed to improve in. You responded that you understood what was expected. A month later, I asked you to take on an additional responsibility – completing the Commerce Survey. Although in the end you did complete it, you did challenge me on why you were being asked to complete it and you even went on to say that in your opinion, "others should handle it as they are at a higher pay grade." In my view, this type of response is unacceptable. I expect you to handle additional work and assist teammates without hesitation. We all must pitch in and help. It has become increasingly clear to me that you are interested only in completing your tasks and that you could care less about helping others. Many times your fellow workers have pitched in and stayed late in order to accomplish tasks that

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that had been assigned to you.
Another initiative item is your unwillingness to check information before asking someone – the annual Treasury report you completed in March is a good example. Many of the workflow issues you inquired with Josh on were found right in the last year's file – had you only looked.
Communication Skills – You must improve your interpersonal skills as you are often considered confrontational and unapproachable by your peers. I have witnessed this first hand and is a serious enough problem to have been reported to me by a number of outsiders with whom you have contact with.
In closing, during year-end processing, your employment at Fleet Bank directly conflicted with your job responsibilities here and prevented you from committing extra time during the week (Monday through Wednesday) as well as on Saturdays during parts of year-end processing. This will not be tolerated so you must decide which position is more important – I expect that your responsibilities here at Utica Mutual will come first. I will not accept the fact that you cannot commit extra time because your work schedule at Fleet will not permit it. This is not just for year-end processing, but any time during the year when additional effort is needed.

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Accountant I - 2004 Review
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Comments: Grazyna needs to understand what she is doing and set appropriate priorities, as she is not getting the important items accomplished. Grazyna missed a number of deadlines this past year – the 2003 PPR and CEoL treaty contract settlements or "true-ups" ($800K+) were not done in a timely manner (this settlements need to be done quickly, especially if Utica is owed money back from reinsurers), the 4th Qtr Gen Re PCat deposit premium was not remitted until GRC requested it, and the collection of the Swiss Re contingent commission billing - $200K+ is still outstanding and should have been resolved months ago. In addition, during year-end preparation of Schedule F, Grazyna missed the Company print deadline for Utica Specialty Risk and Lloyds (this work was eventually completed by others in order to keep with the Company print schedule). Grazyna also came very close to missing the deadline for submitting the '03 US Treasury Report. Given Grazyna's experience in the department, I expect her to use common sense when prioritizing her work.

Job Knowledge:

Give consideration to aspects such as:

- Comprehension
- Retention

□ Has comprehensive knowledge of the job.

□ Has solid understanding of the job. Frequently adds to job knowledge.

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x Understands the major aspects of the job. Retains learning. Occasionally adds to job knowledge.
□ Does not consistently demonstrate knowledge or major aspects of the job. Repetition of mistakes in some areas results in retraining.
□ Does not demonstrate knowledge of basic job concepts. Continuously repeats mistakes.

Comments: Grazyna has learned most aspects of her current job, however, during the year there were occasions where she didn't understand what should have been done. Common sense (understanding) should prevail when she is completing her tasks. The following are examples of her not understanding what to do – the processing of facultative program and IR premium payments to reinsurers: she did not give the "out of Utica" dates priority. Another example was the 2003 PCat and CEoL contract settlements that were not done timely.

I have asked Grazyna to continue her pursuit of the ARe designation. After she failed ARe 141 in November '03, I recommended that she retry right away. This was not done and reflects her lack of interest and commitment.

Working Relationships:

Give consideration to aspects such as:

- Cooperation
- Ability to work for/with others
- Flexibility

□ Consistently maintains harmonious working

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Accountant I - 2004 Review
Exhibit 17, p.2-3

relationships with diverse group. Excellent acceptance by others. Consistently communicates well with others.

□ Often establishes harmonious relationships. Very good acceptance by others. Usually communicates well with others.

□ Relationships are generally positive. Good acceptance by others. May communicate well with others

□ Has difficulty in consistently establishing or maintaining harmonious relationships. Has difficulty in communicating with others.

x Poor working relationships requiring frequent supervisory intervention. Consistent difficulty in communicating with others.

2

Comments: This is an area that Grazyna has great difficulty. Her working relationships with her immediate work team have become strained and as such, have made for a very uncomfortable work setting. I have observed on a number of occasions where her teammates have tried to assist her and she reacted in a rude and unfair manner.

I have had to formally speak to Grazyna twice since her last performance review about her inability to work with co-workers. In those meetings, I informed that her behavior was unacceptable and disruptive to the entire department, including others currently working in our department (ProCede IT staff). I have

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explained to her that I will not tolerate another occurrence and will initiate formal disciplinary action should it occur.
I have spoken to a number of Grazyna's internal and external customers and some have expressed similar concern for her abrupt tone and tenor, and her unwillingness to be flexible.
Grazyna spends too much time defending herself with a multitude of useless information versus focusing on
the issues at hand and getting the job done. I have discussed with Grazyna that she must improve her working relationships with others and that it must start immediately.
Attendance:
Give consideration to aspects such as:
- Absence
- Lost time since last review (excluding vacation) hrs.

□ Extremely dependable. Outstanding record of attendance and availability.
□ Highly dependable with minimum loss of workdays.
□ Dependable. Absence record does not exceed company guidelines
x Sometimes less than dependable due to frequency of absence. Absence record is moving toward exceeding Company guidelines.
□ Not dependable. Loses considerable time and

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work due to absenteeism. Absence record exceeds company guidelines. Disciplinary action required.

Comments: Grazyna has had 6 sick days since her last performance review on August 14, 2003. Grazyna must understand that she is expected to put in overtime when we need her. Her job at Fleet can not interfere with the Schedule's timeline or any special projects when/if they come up.

Punctuality:

□ Extremely punctual. Consistently ready to begin work at the appointed time.

□ Very punctual. Usually ready for start of work.

x Punctual. Lateness does not exceed company guidelines.

□ Consistently not ready for start of work. Frequent occurrences of shortened work periods (including return from break, lunch, etc.) Lateness record is moving toward exceeding company guidelines.

□ Occasionally not ready for start of work (including return from break, lunch, etc.) exceeds company guidelines. Disciplinary action required.

Comments: Grazyna is punctual arriving for work and leaving from work.

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questions

• Effective listening

Comments: Grazyna's interpersonal skills are poor. She consistently has difficulty effectively communicating with her fellow workers and external

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customers. She is considered confrontational, rude and unapproachable. I have spoken to her on a number of occasions in an effort to assist her with her delivery skills. I have given her a number of examples of when I felt she was rude. She is in denial. Just recently, I made a suggestion to her in an effort to help her with an assigned imaging project and her remarks to me were, in my view, inappropriate and rude as she quipped that she was "clever", which indicated that she could handle the project without my suggestion.

I have heard her trying to communicate with her teammates and her delivery is typically forceful and demanding.

Grazyna needs to ratchet up her effective listening and comprehension skills – recently she was asked to begin using the ProCede software and I explicitly told her that any work on ProCede was secondary to her normal monthly/quarterly functions and that I would approve the use of overtime to accomplish this additional assignment. She immediately sent an email to me suggesting that I might want to re-assign some of her job tasks to others based on this new project. (I reminded her that I expected her to use OT to accomplish this ProCede assignment. To my disbelief she began working on the ProCede project immediately.

Grazyna needs to do a better job of keeping me informed on "hot topics" such as the overdue items,

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e.g. Swiss Re contingent commission status, HSB rate verification, etc. I continually need to ask her for the status on assigned items – she must keep me in the loop on all outstanding issues.

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Performance Improvements
Exhibit 100, p.1

Michael Evolo/UNIG
01/18/2005 09:16 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: JPW Settlement [attachment]
Grazyna,

They appear to be in line. Pls be sure the math is correct and send to JPWoods.
Thanks –
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662
[Picture]
Grazyna Christman/UNIG
01/17/2005 01:30 PM
To: Michael Evolo/UNIG@UNIG
cc:
Subject: JPW Settlement
Mike,

I am attaching the settlement calculations for JPWoods Casualty and Property Per Risk.
[Microsoft Excel worksheet] Settle 2004.xls
Please let me know at your earliest convenience, if in

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Performance Improvements
Exhibit 100, p.1-2 (Reformatted Excel Sheet. p.2)

agreement so that I could forward them to JPWoods.
Thank you!
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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Utica National Insurance Group
Casualty & Property Per Risk XOL Treaties
J.P. Woods & Company, Inc.
US (All Companies & Canada
2004 Combined Statement

US	Canada
Casualty XOL Treaty (1078-82, 3029-30)	
(310,518.48)	2,184.69
Property par Risk XOL Treaty (3047-48)	
(532,370.86)	2536.36
Property per Risk XOL Treaty Run Off (2780-81)	
5,662.72	0.00
Total Due Reinsurers/(Utica Mutual)	
(837,226.62)	4,721.05

r:\lotus\reinsjpwoods\SETTLE 2004

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Performance Improvements
Exhibit 100, p.2 (Original Format)

Utica National Insurance Group
Casualty & Property Per Risk XOL Treaties
J.P. Woods & Company, Inc.
US (All Companies) & Canada
2004 Combined Settlement

	US	Canada
Casualty XOL Treaty (1078-82, 3029-30)	(310,518.48)	2,194.89
Property per Risk XOL Treaty (3047-48)	(532,372.26)	2,536.36
Property per Risk XOL Treaty Run Off (2780-81)	5,652.72	0.00
Total Due Reinsurers/(Utica Mutual)	(837,238.02)	4,731.25

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Plaintiffs Rule 7.1 Response Filed 05/28/08
Performance Improvements
Exhibit 100, p.3 (Reformatted Excel Sheet)

Utica National Insurance Group
Casualty Excess of Loss Treaty
J.P. Woods & Company, Inc.
Final Settlement Line Breakdown
Utica Mutual and its Affiliated Companies
Contract: 1078, 1079, 1080, 1081, 1082, 3029, 3030
2004

Line of Business Subject Premium	US	Canada
Auto Bodily Injury	145,516,893.65	21,859.00
Auto PD	8,904,91.88	0.00
Other Bodily Injury	86,362,377.80	86,487.00
Other PD	0.00	0.00
Glass & Theft	1,461,196.72	0.00
Businessowners (25%)	5,645,916.52	0.00
Condo-Auto	0.00	0.00
Condo-Workers Comp.	0.00	0.00
Condo-All Other	138,850.00	0.00
Fidelity	2,121,501.32	0.00
Homeowners (10%)	4,028.923.70	0.00
Medical Malpractice	32,336.00	0.00
Umbrella-(Personal & Commercial)	14,951,524.13	0.00
Umbrella-Printers	0.00	0.00
Workers Compensation	120,432,064.06	0.00
Workers Comp. (Minnesota-10%)	3,797.35	0.00
W/C Catastrophe Reinsurance Premium	0.00	0.00
Total	389,360,353.13	108,346.00

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Subject Premium	389,360,353.13	108,346.00
Reinsurance Rate (All Layers Combined)	2.0164%	2.0164%
Reinsurance Premium	7,855,901.52	2,184.69
Less: Deposit Premium Paid (4 quarters x $2,041,605)	8,166,420.00	0.00
Net amount Due Reinsurers/(Utica Mutual)	(310,518.48) U.S. Funds	2,184.69 Canadian Funds

(computed on a written basis)

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Performance Improvements
Exhibit 100, p.3 (Original Format)

Utica National Insurance Group
Casualty Excess of Loss Treaty
J.P. Woods & Company, Inc.
Final Settlement Line Breakdown
Utica Mutual and Its Affiliated Companies
Contract 1078 1079, 1080, 1081, 1082, 3029, 3030
2004

Line of Business	US Subject Premium	Canada Subject Premium
Auto Bodily Injury	145 516 893 85	21 659 00
Auto PD	8 804 971 88	0 00
Other Bodily Injury	86 362 377 80	96 487 00
Other PD	0 00	0 00
Glass & Theft	1 461 196 72	0 00
Businessowners (25%)	8 643 616 82	0 00
Condo - Auto	0 00	0 00
Condo - Workers Comp	-	0 00
Condo - All Other	134 850 00	0 00
Fidelity	2 121 601 32	0 00
Homeowners (10%)	4 028 223 70	0 00
Medical Malpractice	32 336 00	0 00
Umbrella - (Personal & Commercial)	14 961 524 13	0 00
Umbrella - Printers	0 00	0 00
Workers Compensation	120 432 084 96	0 00
Workers Comp (Minnesota - 10%)	3 797 35	0 00
WC Catastrophe Reinsurance Premium	0 00	0 00
Total	389 900 383 13	118 346 00
Subject Premium	389 900 383 13	118 346 00
Reinsurance Rate (All Layers Combined)	2 0184%	2 0184%
Reinsurance Premium	7 856 901 62	2 184 89
Less: Deposit Premium Paid (4 quarters X $2,041,665)	8 166 420 00	0 00
Net Amount Due Reinsurer/(Utica Mutual)	(309 518 38)	2 184 89
Remarks or other basis	[illegible]	[illegible]

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Performance Improvements
Exhibit 100, p.4 (Reformatted Excel Sheet)

Utica National Insurance Group
Property Per Risk Treaty
J.P. Woods & Company, Inc.
Utica Mutual and its Affiliated Companies
Final Settlement Line Breakdown
Contract: 3047, 3048
2004

Line of Business	Subject Premium US	Canada
Allied-Personal	26,258.00	0.00
Allied-Commercial	1,499,254.80	0.00
Fire-Personal	55,984.00	0.00
Fire-Commercial	1,690,855.00	0.00
Inland Marine-Personal	1,720,936.43	0.00
Inland Marine-Commercial	4,792,180.88	0.00
Inland Marine-Lenders Single Interest	0.00	0.00
Businessowners (75%)	18,468,076.54	0.00
Commercial Multi-Peril	77,816,632.86	54,781.00
Condo-Property	959,335.00	0.00
Homeowners-(90%)	36,472,215.60	0.00
Total	143,501,709.31	54,781.00

Subject Matter Premium	143,501,709.31	54,781.00
Reinsurance Rate (All Layers Combined)	4.6300%	4.6300%
Reinsurance Premium	6,644,129.14	2,536.36
Less: Deposit Premium Paid (4 quarters x $1,794,125.00)	7,176,500.00	0.00

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Performance Improvements
Exhibit 100, p.4 (Reformatted Excel Sheet)

Net Amount Due Reinsurers/(Utica Mutual)
(532,370.86) U.S. Funds 2,536.36 Canadian Funds

(Computed on a earned basis)

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Performance Improvements
Exhibit 100, p.4 (Original Format)

Utica National Insurance Group
Property Per Risk Treaty
J.P. Woods & Company, Inc.
Utica Mutual and its Affiliated Companies
Final Settlement Line Breakdown
Contract 3047/3048
2004

Line of Business	US Subject Premium	Canada Subject Premium
Allied - Personal	28,258.00	0.00
Allied - Commercial	1,499,254.80	0.00
Fire - Personal	66,984.00	0.00
Fire - Commercial	1,890,855.20	0.00
Inland Marine - Personal	1,720,939.43	0.00
Inland Marine - Commercial	4,792,160.68	0.00
Inland Marine - Lenders Single Interest	0.00	0.00
Businessowners (75%)	19,468,078.64	0.00
Commercial Multi-Peril	77,816,632.86	54,781.00
Condo - Property	959,338.00	0.00
Homeowners - (90%)	36,472,215.80	0.00
Total	143,501,709.31	54,781.00
Subject Matter Premium	143,501,709.31	54,781.00
Reinsurance Rate (All Layers Combined)	4.8300%	4.8300%
Reinsurance Premium	6,944,129.14	2,538.36
Less: Deposit Premium Paid (4 quarters X $1,794,125.00)	7,176,500.00	0.00
Net Amount Due Reinsurer/(Due Utica Mutual)	(232,370.86)	2,538.36
(Computed on an earned basis)	U.S. Funds	Canadian Funds

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Performance Improvements
Exhibit 100, p.5 (Reformatted Excel Sheet)

Utica National Insurance Group
Property Per Risk Treaty
J.P. Woods & Company, Inc.
Utica Mutual and its Affiliated Companies
Final Settlement Line Breakdown
Contract: 2780, 2781 (Run Off)
2004

Line of Business	Subject Premium US	Canada
Allied-Personal	0.00	0.00
Allied-Commercial	305.00	0.00
Fire-Personal	0.00	0.00
Fire-Commercial	(202.00)	0.00
Inland Marine-Personal	0.00	0.00
Inland Marine-Commercial	117,886.24	0.00
Inland Marine-Lenders Single Interest	0.00	0.00
Businessowners (75%)	855.75	0.00
Commercial Multi-Peril	(3,463.00)	0.00
Condo-Property	0.00	0.00
Homeowners-(90%)	(3,249.00)	0.00
Total	112,132.99	0.00

Subject Matter Premium	112,132.99	0.00
Reinsurance Rate (All Layers Combined)	5.0500%	5.0500%
Reinsurance Premium	5,662.72	0.00
Less: Deposit Premium Paid (4 quarters x 0)	0.00	0.00

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Performance Improvements
Exhibit 100, p.5 (Reformatted Excel Sheet)

Net Amount Due Reinsurers/(Utica Mutual) 5,662.72
U.S. Funds 0.00 Canadian Funds

(Computed on a earned basis)

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Exhibit 100, p.5 (Original Excel Sheet)

Utica National Insurance Group
Property Per Risk Treaty
J.P. Woods & Company, Inc.
Utica Mutual and its Affiliated Companies
Final Settlement Line Breakdown
Contract 2760, 2761 (Run Off)
2004

Line of Business	US Subject Premium	Canada Subject Premium
Allied - Personal	0.00	0.00
Allied - Commercial	306.00	0.00
Fire - Personal	0.00	0.00
Fire - Commercial	(202.00)	0.00
Inland Marine - Personal	0.00	0.00
Inland Marine - Commercial	117,838.24	0.00
Inland Marine - Lenders Single Interest	0.00	0.00
Businessowners (75%)	856.75	0.00
Commercial Multi-Peril	(3,483.00)	0.00
Condo - Property	0.00	0.00
Homeowners - (90%)	(3,249.00)	0.00
Total	112,132.99	0.00
Subject Premium	112,132.99	0.00
Reinsurance Rate (All Layers Combined)	5.0500%	5.0500%
Reinsurance Premium	5,662.72	0.00
Less: Deposit Premium Paid (4 quarters x 0)	0.00	0.00
Net Amount Due Reinsurers/(Due Utica Mutual)	5,662.72	0.00
(Computed on an earned basis)	[redacted] (US$ Funds)	(Canadian Funds)

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Performance Improvements
Exhibit 100, p.6

[Picture]
Grazyna Christman/UNIG
11/09/2004 02:14 PM
To: David Raga/UNIG@UNIG, Josh Watkins/UNIG@UNIG
cc: Michael Evolo/UNIG@UNIG
bcc:
Subject: Tasks taken care of today
Josh/David,
Here is what I took care of today (either Finance's schedule is off by a day or the premiums were run a day ahead):
- Ceded Commission Accrual (item #6 on Grazyna's Responsibility list)
- JPWoods Treaty Premiums (item #1)
- prepared Excel files for Natalia to key Commission detail for items paid on earned basis.

I prepared the notes for both Natalia and you – hope you find all in order.

I gave to David copies of all my 3Q04 reconciliations (2180202, 1180202 and 1442002)
I placed a request for printer paper (4 boxes).
Thank you for your help!
Hope to be back in not too long,
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group

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U.S. District Court NYND Document 40-10
Plaintiff's Rule 7.1 Response Filed 05/28/08
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Exhibit 100, p.6-7

P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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[Picture]
Grazyna Christman/UNIG
01/28/2005 04:45 PM
To: Richard Semeraro/UNIG@UNIG
cc:
bcc:
Subject: Account Recs
Hi Rick,

This will confirm that I dropped off this afternoon the 4Q04 reconciliations for 2180202, 2180404 and 1442002.
Please call should you have any questions and thank you.
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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U.S. District Court NYND Document 40-10
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 02/17/05 Email
Exhibit 93, p.1

Michael Evolo/UNIG
02/17/2005 10:08 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Fw: U.S. Treasury Dept Filing
Grazyna,

I expect that our Treasury items will accompany the FR [Financial. Reporting] mailing on Tuesday. When will they be ready for Dane to sign?

Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662
---- Forwarded by Michael Evolo/UNIG on 02/17/2005 10:02 AM ----
[Picture]
Martha Dumont/UNIG
02/17/2005 09:56 AM
To: Michael Evolo/UNIG@UNIG
cc: Daniel O'Connell/UNIG@UNIG, Grazyna Christman/UNIG@UNIG
Subject: Re: Treasury Dept Filing [attachment]
This is a request for a status on the information requested below as I prepared checklists that

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accompany our documents in our Tuesday mailing Should I state on the form that we are or aren't submitting with our mailing:
1) the Summary of Reinsurance Treaties on All Lines of Business? (This report is due whenever there are changes and not necessarily each year end.)
2) copies of reinsurance agreements for all bonds written with the U.S. Government as the obligee as well as the powers of Attorney-In-Fact on reinsurance agreement forms?
Let me know.
Thanks .md.
Martha E. Dumont, CPA ARe
Martha.cumont@uticanational.com
Phone 315-734-2868
Fax 315-734-2994
Martha Dumont/ UNIG
[Picture]
Martha Dumont/UNIG
01/20/2005 03:06 PM
To: Michael Evolo/UNIG@UNIG
cc: Daniel O'Connell/UNIG@UNIG, Grazyna Christman/UNIG@UNIG
Subject: Treasury Dept Filing

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U.S. District Court NYND Document 40-7
Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 02/19/05 Email
Exhibit 69, p.1

Michael Evolo/UNIG
02/21/2005 07:54 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject:Re: Treasury/Other States[Attachment]
History: This message has been replied to.
Thank you.
Dane's title is Vice President-Director of Reinsurance.
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662
[Picture]
Grazyna Christman/UNIG
02/19/2005 06:59 PM
To: Michael Evolo/UNIG@UNIG
cc:
Subject: Treasury/Other States
Good evening Mike,

I left on your desk the Treasury Annual and Other States Schedules F, which I had completed tonight. The Treasury Excess Risk was left with you for your review yesterday – it requires Dane's, Mr. Wardley's and Notary Public signatures.

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Exhibit 69, p.1-2

The Treasury Annual Schedules, both for Utica and RFI were in agreement with Schedules F, Part 3, 4 and 5 respectively.
There is no cross check, however, for the Other States to verify the final adjustments. I completed these Schedules to my best knowledge. Would you please have the more knowledgeable/experienced Accountant, II or Senior, go over the final copies to make sure that they had been done correctly?
At this point the annual Commerce Survey is the only outstanding schedule. It is quite time consuming due to manual process. I will start working on it right away, along with catching up on the monthly tasks. Will you approve overtime, if needed?
Also would you please tell me what designations should follow Dane's name? I need to prepare letters to be included with Other States Schedules, which he will need to sign tomorrow.
Thank you.
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530

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Utica , NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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U.S. District Court NYND Document 40-7
Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 02/19/05 Email
Exhibit 69, p.3

Grazyna Christman/UNIG
02/18/2005 01:00 PM
To: Michael Evolo/UNIG@UNIG
cc:
bcc:
Subject: Treasury/Other States
Mike,

I am going to leave with you shortly the Excess of Risks schedules for Utica and RFI. Please review and have Dane sign them at your earliest convenience. These scheduled also require Mr. Wardley's signature and need to be notarized before being forwarded to Financial Reporting.
Should you have any questions, I will be happy to answer when I come back from the Business Plan meeting.
Thank you.
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica , NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 01/06/05 Memo
Exhibit 34, p.1

[Stamp] DEFENDANT'S EXHIBIT O 11/7/07 NL
Utica National Insurance Group [logo] Insurance that starts with you
To: Grazyna Christman
Office, Dept. Reinsurance
Date: January 6, 2005
From: Michael Evolo
Office, Dept. Reinsurance
Subject: Grazyna's Performance Review memo dated 11/10/04

This is my response to your memo dated 11/10/04. As was mentioned in my write-up dated 8/10/04, "Additional Comments-2004 Performance Review" (copy attached), we need to focus our efforts on your need to improve your performance. In your 2004 Performance Review, I provided you with meaningful suggestions to improve your performance and I outlined what you needed to accomplish going forward. To date, there has been no noticeable improvement.

Working Relationships
You continue to be ineffective in building working relationships with your co-workers and there has been no improvement. Since your last performance review there have been a number of instances where your interaction with your coworkers has led to confrontation. Tammy McCoy attempted to assist you

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Exhibit 34, p.1

with the HSB database. Her suggestions to you were met with resistance and no working solutions could be accomplished until I intervened. This was a seemingly simple task, however, it's mishandling on your part created additional work for others and friction between you and the ProCede team.
On August 17th I addressed with you a conversation we had about account reconciliations and your verbal comment (heard by others) about one of your co-workers "distracting" you with his question on your account reconciliations. Clearly, not the proper choice of words expected from someone trying to build relationships with their co-workers.
You continue to foster discord between you and your co-workers. There has been no improvement in your Working Relationships.

Quality
During October processing, you failed to recognize and notify John Constabile that he hadn't removed the system block for the ERPLI sessions. You should have caught this and notified John, but you didn't. Your oversight has led to another month's processing of incorrect premium cessions, which may negatively impact our ceding relationship with reinsurers due to our lack of credibility.
Before you left for surgery, I specifically asked you to leave explicit instructions with your co-workers on how to handle your job tasks in your absence.

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Contrary to what I asked, you did not leave specific directions on where to send the Swiss Re premium reports. There was nothing in your file that

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specifically addressed premium reports. Your file did have an address, however, we couldn't be sure it wasn't a lockbox address. Not sending this report on time to Swiss Re could negatively impact our working relationship with them – to the point where it may result in transactional audit or even negatively impact the underwriting rates. You also did not give Wire Transfer allocations instructions on how to appropriate the incoming funds from JPWoods. During your absence, I got involved in the facultative billing situation that involved your sending incorrect supporting data to the wrong person at the wrong company. You sent the DirectFac information to Michelle Thompson, who works for BF Re. It should have gone to Cathy Morency, who works at DirectFac.

Job Knowledge

You never sent your 2nd quarter premium account reconciliations to Financial Reporting, as you are required to. This was discovered when Price Waterhouse Coopers asked for them during the week of November 15th.

Details surrounding a Surety Wire Transfer on 9/22/04 reflected your failure to distinguish between

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a credit and debit.
Martha Dumont requires that the Surety premium numbers be broken out by company; however, Martha needed to ask you to send them. As this is not a new procedure, you should have known what is required.

Productivity
I requested that you complete the clean up of your old account reconciliations by August 9th. These were not completed by the date I requested, and you took unscheduled vacation time prior to the deadline.

Grazyna, you must give your lack of performance priority - especially in the areas I have outlined. To date your performance is unacceptable and that is a very serious matter. I strongly suggest you re-read what I wrote in your Performance review as it outlines explicitly what you need to improve.

This document is considered a written warning and your failure to improve and sustain positive performance in this and other related areas will lead to further disciplinary action up to and including termination of your employment. I have outlined below areas that need your immediate attention.

- Working relationships – Your working relationships with others must improve. You must

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Exhibit 34, p.2-3

create an environment from which your co-workers want to work with you. This will be measured on your ability to work with them and to avoid confrontational situations. My expectation is that you will not withdraw from working with them, but openly and genuinely assist them and the team in meeting our goals. It is imperative that your interactions are positive

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and that relationship building occurs during your daily routine. Year-end processing will afford you many opportunities to build your working relationships.

• Quality – Your job responsibilities haven't changes over the last few years and as such you should be very familiar with the process and the responsibilities that go with your job tasks. I expect your work to be error-free. You will need to review your work carefully, however, your review for accuracy should not impede your efficiency to get your job tasks done in a timely fashion. I will measure your success in this critical area by your ability to complete your job tasks and other job assignments accurately and on a timely basis.
• Job Knowledge – You must take an active role in understanding and contributing to the completion of Schedule F. This will mean that you will need to take on additional job responsibilities, in many cases

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without waiting to be asked, to ensure we meet our Year End goals. I expect you will take the initiative to learn what is required, go about getting what is needed, and then completing tasks without relying on others for all the answers.

• Productivity – During last year's year-end processing you failed to complete some of your responsibilities within the established deadlines. This will not be tolerated again. You must understand and adhere to the predetermined 154a prioritizing your work. All deadlines must be met.

I will conduct a follow-up evaluation in 30 days to assess your progress toward improvement.

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Plaintiff's Rule 7.1 Response Filed 05/28/08
SDHR Rebuttal-Plaintiff Sick & Overtime, p.21
Exhibit 87

Michael added his comments:
"Grazyna has had 6 sick days since her last performance review on August 14, 2003. Grazyna must understand that she is expected to put in overtime when we need her. Her job at Fleet can not interfere with the Schedule's timeline or any special projects when/if they come up."
I worked part time as Telephone Banking Associate at Fleet Bank, (currently Bank of America) since my divorce in April 1996. However, my full time employment with the Utica National Insurance Group had always been my utmost priority, from the first day, when I started in June 1990 up to and including the last day in February 2005, when I was wrongfully dismissed.
The table below gives the summary of my sick time and overtime record for the past eight (8) years based on August 2nd as my Anniversary date:

GRAZYNA'S SICKTIME & OVERTIME RECORD

EVALUATION PERIOD		SICK TIME		OVERTIME	
From	To	Occurrences	Days	Hours	Days
2004	2005 (1)	2	2.0	158.75	21.9
2003	2004	4	5.0	106.75	14.7
2002	2003	3	2.8	176.25	24.3
2001	2002	1	1.0	83.00	11.4
2000	2001	5	5.8	56.25	7.8
1999	2000	4	6.2	8.50	1.2
1998	1999	0	0.0	8.92	1.2
1997	1998	3	3.0	0.00	0.0

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Exhibit 87

(1) Evaluation from August 2, 2004 to February 21, 2005 (seven months)

In (*Attachment M2*) I am submitting a file, which further breaks down the above summary and shows the detail record of my sick time and overtime, obtained from the actual pay stubs from August 1997 to February 2005, copies of which are also included. I wish to add the following comments in regard to the overtime, I put in under Michael's supervision:

1) In 2002-2003 a total of 176.25 overtime hours was entirely allocated to handling of the year-end financial statements to assure their timely processing. It was the first year that I had to handle them independently.

2) In 2003-2004 my overtime related to the year-end processing decreased to 101.5 hours thanks to my hands on experience from the previous year and knowledge retention. I was able to complete more tasks in much shorter time. I put in 5.25 overtime hours during the year for other projects.

3) In 2004-2005 my total overtime increased to 158.75 hours. I worked an additional 32.25 hours in the four weeks immediately preceding my November surgery and a total of 118.75 hours from December 27, 2004, the day I returned from disability until my

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wrongful employment termination on February 21, 2005 in order to complete a multitude of additional tasks assigned to me by Michael, as well as other routine year-end statements. I put in 7.75 overtime hours during the year for other projects.

On February 19, 2005, the last Saturday before my dismissal on Monday morning, I worked alone until 8:00 PM in the evening to meet the deadlines for: the Other States Schedules F for Massachusetts and Colorado, and the US Department of Treasury Annual Schedule F.

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U.S. District Court NYND Document 40-6
Plaintiff's Rule 7.1 Response Filed 05/28/08
Deposition Transcript Evolo, Excerpts
Exhibit 55, p.1

STATE OF NEW YORK
FIFTH JUDICIAL DISTRICT
SUPREME COURT COUNTY OF ONEIDA
* * * * * * * * * * * * * * * * * * *
GRAZYNA H. CHRISTMAN
Plaintiff
-vs- Case No. 6:06-cv-1392
UTICA NATIONAL INSURANCE GROUP, INC.,
Defendant
* * * * * * * * * * * * * * * * * * *

HELD AT: GETNICK LIVINGSTON, ATKINSON, GIGLIOTTI & PRIORE, LLP
258 Genesee Street
Utica, New York
November 8, 2007

EXAMINATION BEFORE THE TRIAL of MICHAEL S. EVOLO, taken by the Plaintiff, pursuant to Notice.

APPEARANCES:

STEFAN D. BERG, ESQ.
Attorney for Plaintiff
309 Arnold Avenue
Syracuse, New York 13210
GETNICK, LIVINGSTON, ATKINSON, GIGLIOTTI & PRIORE, LLP

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Deposition Transcript Evolo, Excerpts
Exhibit 55, p.1,36

Attorneys for Defendant
258 Genesee Street
Utica, New York 13502
BY: JOSEPH.A DETRAGLIA, ESQ., of Counsel

(Discussion off the record.)
Q. Page three, at the top, you said that her "working relationships with her immediate work team have become strained"; am I correct?
A. That's what I wrote, yes.
Q. Tell me what you were saying with those words.
A. Well, I could just sense and see and feel that the working relationship between Grazyna, Josh and David -- and that's the definition of the immediate work team. There were others within the area we were working in – was strained. I could sense that the conversations were short and curt and to the point and had undertones within them. And on a number of occasions, I made Grazyna aware of those. As a

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supervisor, I
14 was trying to train her or offer assistance on how to
15 recognize those particular situations and how to improve on
16 those. So I could just sense it. I could just see it. I could
17 smell it. I could feel it. It was just there. The
18 undertones were there, just in basically back-to-back
19 conversations with the three, I just knew it was there.
20 Q. Do you think this existed the prior year?
21 A. I didn't document it as such, so it wasn't obvious
22 to me as it was the following year.
23 Q. What do you think brought this change?
24 A. I have no idea.
25 Q. You also said that her behavior was disruptive to

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1 the entire department. That's paragraph two. What was she
2 doing that was disruptive?
3 A. I believe in e-mails and in conversations , she
4 tended to more argumentative and tended to cut people off
5 midstream. If a particular person, for example

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Exhibit 55, p.37

David was
having a conversation, rather than wait for him to finish his
thought and his explanation, she would jump in disruptively
and either disrupt his thinking, disrupt his thought or
whatever he was trying to get across to the group. That's
what I meant by "disruptive."
Q. Okay. And you added that internal and external
customers compressed concern about this to you?
A. Yes.
Q. Can you elaborate on what kind of concerns that were
expressed?
A. As a supervisor, I made phone calls to some of her
customers that she would have dealt with on a regular basis,
just to get some of their feedback. And during those phone
calls, I was told that there was concern in the way that
Grazyna was carrying on her conversation with those
individuals. As I've outlined in her performance

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-6
Plaintiff's Rule 7.1 Response Filed 05/28/08
Deposition Transcript Evolo, Excerpts
Exhibit 55, p.37-38

review,
those concerns were expressed with her abrupt tone and tenor
and her willingness to be flexible during those conversations.
Q. What do you mean "unwillingness to be flexible"?

38

A. I don't have details, per se, of those conversations. I don't recall what those where. But at the
time, probably what happened was there may have been a.
conversation with a particular reinsurer where there was
information being requested, either from us of them or them of
us. And quite honestly, she could've been asking for
information and the reinsurer may not have been able to get to
it right away, and based on her tone and tenor, they may have
construed that to be her unwillingness to be flexible on some
parameters they may be faced with. I don't recall exactly.
Q. On page five, there is a note about overtime, and my

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recollection is that there were -- Grazyna has talked to me about one incident where there was overtime to be done and she wanted to do it in the afternoon, I guess after she complete her Bank of America work or Fleet work, and you insisted that she do it in the morning. Do you recall that?

A. I don't recall that specific incident.

Q. Was she willing to work overtime if required?

A. Yes.

(Plaintiff's Exhibit 3 was marked for Identification.)

I want to show you what we have marked for Identification as Exhibit 3. Do you recognize that document?

A. Yes.

Q. What is it?

39

A. It's an Employee Performance Review.

Q. Dated when?

A. It's stamp dated August 15th, 2003.

(Discussion off the record.)

Q. Is this a performance review of Accountant II?

A. I don't know. Clearly, obviously, it's blacked out.

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The names are all blacked out.
Q. I think there are two options, Accountant II or Senior Accountant?
Senior Accountant?
A. Correct. I can't tell which is which. I don't know.
(Discussion off the record.)
Q. Mr. Evolo, do you recognize what we have labeled as
Exhibit 3?
A. I do.
Q. Is this a performance evaluation that you performed?
A. Yes.
Q. And you recognize the individual for whom you did
this evaluation?
A. Yes.
Q. And this was an accountant that reported to you in
2003?
A. Yes.
Q. on page one, "Quality,' you said "There are number
of instances where accountant didn't take the time to

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A. By all means, no.
Q. Do you recall a question concerning the

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attendance at J.P. Woods in New Jersey?
A. I do.
Q. And, in your – while you were working as the
Reinsurance Supervisor, were there functions that were related
to either reinsurance customers or clients or the like?
A. There were. We had many dinners, lunches, parties
that were hosted by the broker or specific reinsurers, and
Grazyna was invited to all of those and did not attend.
Q. And lastly, did your hire anyone to replace Ms.
Christman after her termination of employment?
A. Yes, I did.
Q. Who filled that position?
A. Margaret Krug filled that position.
Q. And did you know her gender at the time?
A. Yes, obviously, a woman.
Q. And at the time, did you know her age?
A. I know that she's over 50.
MR. DETRAGLIA: That's all. Thank you.
MR. BERG: Nothing further.
(Whereupon, the Examination concluded.)
-oOo-

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Defendant 12/04/02 Email
Exhibit 76

[Picture]
Josh.Watkins@UTICANATIONAL .COM
12/04/2002 03:51 PM
Date: Wednesday, 4 December 2002 3:51pm ET
To: Grazyna.Christman@UTICANATIONAL.COM
From: Josh.Watkins@UTICANATIONAL.COM
Subject: Clearing Account
Grazyna, I just wanted to apologize for the way I reacted towards you yesterday. It was stupid and uncalled for. I had no right to act in such a way, and for that – I am sorry. We are a small group, and if we cannot get along and work together. . . . .we will fail in our goals. Yesterday I let the team down, and if it was not for Jean – we would of failed. Once again, I apologize for my outburst. You are an incredibly dedicated worker, and in my book. . . . .doing a fantastic job. I have the utmost trust in you, which encourages me as we all make this transition into our new department. Please don't be discouraged because of me and my stupidity. I am looking forward to the future of our department, because I believe that the three of us will be able to handle everything responsibly. In this future, I will make every attempt to treat you with respect that a coworker should receive. If at any point, you feel that I am doing otherwise . . . . . please do not feel that you cannot talk to me about it. I give you permission to do so. I ask that you please accept my utmost apology.
Thanks, Josh

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Accountant II – 2004 review
Exhibit 22, p.1

Utica National Insurance Group
EMPLOYEE PERFORMANCE REVIEW
[Logo] Employee [Redacted] [Josh Watkins]
Office/Dept. U1 01 14 04
Job Title Accountant II Grade 11
Length of Time in Position 3 yrs.
Date of Review 7/27/04
Job Description: x Is Satisfactory □Needs Updating □Needs to be Re-Evaluated [stamp]Jul 28 2004 [handwritten] 416-11
Reason for Review: A – Annual Review
Directions: Place an "X" in the box which best describes the employee's level of performance in each category. Use the comments area to support the rating given. PERFORMANCE PLAN OF ACTION: State the agreed-upon performance improvement objectives: Each objective should include an action plan and time frame for completion.
REQUISITE PERFORMANCE FACTORS
Quality:
Give consideration to aspects such as:

- Accuracy
- Neatness
- Thoroughness
- Need for Checking

□ Work rarely requires correction or review. Work is consistently error-free, complete and thorough.
□ Work is generally error-free, complete and thorough, requiring minimal correction or review.

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xMeets expectations for accuracy and thoroughness may require some supervisory review.
□ Sometimes produces work which is below expectations and standards for thoroughness or accuracy. Often requires supervisory review.
□ Makes excessive error requiring considerable correction and ongoing supervisory review.
Comments: [Redacted] work is typically neat and thorough. There have been occasions where [redacted] work contained errors that were a result of carelessness, e.g. the 60-90 day column of the Recoverable Report, the Ace American balance, the July recoverable report, Asbestos billing worksheet oversight, etc. These errors could have been prevented had [redacted] just taken the time to better understand his work. Producing a timely and accurate work product needs to remain a high priority for [redacted]. He must continue to ask himself whether his calculations "make sense" and he must give them a reasonability test for quality. [Redacted] continues to come to me with questions and I expect this to continue.
Productivity:
Give consideration to aspects such as:
- Quality
- Speed
- Deadlines
- Service

□ Consistently exceeds expectations for quality and

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quantity and timelines. Deadlines are always met and work is often ahead of schedule. Consistently demonstrates high commitment to service.

□ Often exceeds expectations for quantity and timelines. Deadlines are almost always met and work may be occasionally ahead of schedule. Usually demonstrates high commitment to service.

x Meets expectations for quantity and timelines. Deadlines are usually met. Demonstrates good commitment to service.

□ In some instances work is below expectations for quantity and timelines. Deadlines are occasionally missed. Sometimes fails to demonstrate commitment to service.

□ Does not meet minimum expectations for quantity and timelines. Deadlines are frequently missed. Fails to demonstrate commitment to service.

2-r-249 Ed. 1-03 1

Comments: [Redacted] and I meet on a regular basis to review and manage his priorities. This must continue in order to effectively manage the number of assignments he is given with short timelines. [Redacted] has been called on a number of times during the year to handle special projects and he has done a very good job. His desire to produce a [redacted] sometimes conflicts with his ability to be accurate so he needs to be sure he reviews his work for errors.

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[Redacted] has offered many contributions to the ProCede effort, e.g. working directly with the IT staff to resolve issues, has actively participated in ProCede discussions, has used the ProCede software to become familiar with it's [its] capabilities, etc. This type of involvement needs to continue.
Job Knowledge:
Give consideration to aspects such as:
- Comprehension
- Retention

□ Has comprehensive knowledge of the job. Consistently adds to job knowledge.
□ Has solid understanding of the job. Frequently adds to job knowledge.
x Understands the major aspects of the job. Retains learning. Occasionally adds to job knowledge.
□ Does not consistently demonstrate adequate knowledge of major aspects of the job. Repetition of mistakes in some areas results in retraining.
□ Does not demonstrate knowledge of basic job concepts. Continuously repeats mistakes.

Comments: [Redacted] continues to add to his Reinsurance knowledge through reinsurer meetings and various teleconferences with external customers. These types of forums afford him with greater exposure to various reinsurance issues.
[Redacted] needs to successfully complete his coursework for his 4 year degree and the Associate in reinsurance designation. Since his last performance

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review he has earned 3 additional credit hours toward his degree. He must make this a priority and either complete his degree or ARe – one or the other. Interactions with JPWoods have afforded Josh a better understanding how our organizations work together. [Redacted] spent time with their Accounting and Claims departments and this experience has given [redacted] a better understanding of how their respective functions fit in with ours.

Working Relationships:

Give consideration to aspects such as:

- Cooperation
- Ability to work for/with others
- Flexibility

□ Consistently maintains harmonious working relationships with diverse group. Excellent acceptance by others. Consistently communicates well with others.

□ Often establishes harmonious relationships. Very good acceptance by others. Usually communicates well with others.

x Relationships are generally positive. Good acceptance by others. May communicate well with others

□ Has difficulty in consistently establishing or maintaining harmonious relationships. Has difficulty in communicating with others.

□ Poor working relationships requiring frequent

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supervisory intervention. Consistent difficulty in communicating with others.

Comments: [Redacted] continues to form good working relationships with both his external and internal customers.

There have been a few occasions during the year where I had to address his working relationship with a co-worker. He needs to continue to think through his actions and responses before delivering them to this person. He should evaluate how they will be perceived and adjust accordingly. I have told him that if he feels that he is being treated unfairly or there is hostility from this co-worker, he must see me before taking things into his own hands.

For the most part, [redacted] has been cooperative and flexible with the job assignments I have given him, I expect this to continue.

2

Communication Skills:

Give consideration to aspects such as:

- Interpersonal Skills
- Verbal/Written Skills
- Relevant Questions
- Effective Listening

□ Extremely effective in both verbal and written skills. Excellent interpersonal skills.

□ Very effective verbal and written skills. Very strong interpersonal skills.

x Effective verbal and written skills. Good

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interpersonal skills.

□ Occasionally has difficulty communicating effectively. Some difficulty with interpersonal skills.

□ Poor communication skills. Frequent interpersonal difficulties.

Comments: [Redacted] verbal and written skills are good. He has improved his ability to be an active participant in meetings and I expect it to continue. (He has been very forthcoming with solutions for use with ProCede) His opinions are valued based on his experience and knowledge.

[Redacted] should continue to ratchet up his listening skills in order to ensure he understands what is expected of him.

[Redacted] has a tendency of not speaking up when outsiders are present. This is especially noticeable during some JPWoods' meetings. I expect him to sharpen his aggressiveness skills and offer his thoughts and opinions in these types of meetings.

There have been a few times during the year where [redacted] has demonstrated immature behavior, e.g. when being talked at, he turned his back to me to assume doing something else rather than giving me his full attention, or when asked to handle certain job tasks he has let his emotions get the best of him by openly exhibiting his frustration, ex. during a recent recoverable meeting, [redacted] became frustrated by the questions being asked by JPWoods

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and he made a comment that was going to leave the room if they continued. I expect [redacted] full attention at all times and that he show maturity when handling situations.
[Redacted] must keep me informed of all "hot topics". I would like to be kept current without having to always ask him.

4

PERFORMANCE PLAN ACTION: State the agreed-upon performance improvement objectives. Each objective should indicate an action plan and time frame for completion.

Factor Quality
Objective(s) To produce accurate and timely reinsurance accounting information. To maximize ProCede potential through efficiency of process, determination of management information, financials, etc. To enhance operational efficiencies in the payment of our reinsurance premium obligations and recovery of losses.
Plan of Action -Review your work carefully to minimize the number of errors – give it a reasonability test. –Quickly learn the potential of ProCede and exploit the possibilities.
Factor Productivity
Objective(s) To implement ProCede to enhance productivity. To effectively manage priorities.
Plan of Action -Gain overall understanding of ProCede and become adept in utilizing the

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knowledge. –Assist in design of post-ProCede process to maximize potential while accomplishing our departmental objectives. –Use common sense, knowledge and experience to establish work priorities so that deadlines are met.

Factor	Job Knowledge
Objective(s)	To understand all aspects of your accounting job. To attain the highest degree of technical reinsurance/accounting expertise. To learn ProCede and use it effectively.
Plan of Action	-Successful completion of ARe series. Timeframe: Complete ARe 141 – December 2004 if not sooner. Completion of the ARe designation by December 2006. -Josh to assess Utica College course offerings in the fall of '04 and map a game plan to complete his 4 yr. degree. -Just don't "learn" the steps to complete your job – 'understand" them.
Factor	Working relationships
Objective(s)	[blank]
Plan of Action	[blank]

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Defendant Harrison InnerView Test
Exhibit 75, p.1-2

[Stamp] RECEIVED May 29 2002 FINANCE DEPT

5/28/02 2479 Grazyna, Dan O'Connnell has requested for you to take the Harrison InnerView Questionnaire. Please complete & return to my attention. Thank you. Kathy Bean, Human Resources

Work Preference Questionnaire
Your Last Name: CHRISTMAN
PLEASE USE BLOCK CAPITALS
Your First Name: GRAZYNA
PLEASE USE BLOCK CAPITALS

1

[Logo] Harrison Inner View Profile Report
For Grazyna Christman
Entered on 06/03/2002
This report for Grazyna is a general description of traits relating to the workplace. To further determine suitability for a particular position, use the 'Job Suitability Graph'.
KEYWORD DESCRIPTIONS
Strongest Traits
Optimistic
Enthusiastic about goals
Self-accepting
Does not want to lead
Strong Traits
Dislikes making decisions

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Careful with risks
Wants recognition
Precise
Fairly Strong Traits
Non-intuitive
May lack frankness
Diplomatic
Helpful
Wants a stable career
Wants high pay
SUMMARY DESCRIPTIONS
Grazyna is extremely optimistic. However, she prefers a position which does not involve a great deal of analyzing problems and decisions. Grazyna is quite capable of being tactful. She may often have difficulty being frank and/or getting to the point. Grazyna may hesitate a great deal to express her real feelings. She can become very evasive. Grazyna is quite helpful and conscious of others' needs. However, she may have a great deal of trouble putting forward her needs. For Grazyna, doing work that benefits others/society is quite important. She is extremely self-accepting. However, Grazyna may overly focus on self justification rather than self-improvement. She is very precise.

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[Logo] Harrison Inner View Profile Report
Main Report For Grazyna Christman
Entered on 06/03/2002

OUTLOOK

Is neither overly self-certain nor lacking in confidence. Has a good balance between sticking to opinions and being open-minded. Is neither outgoing nor reserved, but balanced in between the two points. May be uncomfortable making presentations to groups. Is extremely optimistic.

DECISIONS

Prefers a position which does not require a significant amount of analytical problem solving. May have a strong tendency to not analyze the potential difficulties of plans and strategies. Prefers not to make decisions intuitively, but may occasionally use intuition to help make decisions. May feel uncomfortable assuming decision-making authority. Is fairly willing to collaborate with others with regard to making important decisions. Prefers to defer decisions to others.

INNOVATION

Perseveres with a task and is fairly good at the implementation stage of projects. Is fairly creative and progressive. May be very careful about taking risks. Likes to work at a steady pace and prefers not to have to do work which requires a rapid pace.

COMMUNICATION

May have difficulty being frank and/or getting to the

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point. Is quite capable of being tactful. May often hesitate to express her real feelings and can be evasive. Is tolerant of people who are indirect or evasive. Is unconcerned about influencing others. Prefers to avoid occupying a position where the influencing of others is a significant aspect.
POWER
May have a great deal of difficulty putting forward her own needs. Strongly prefers to avoid undertaking a role which requires her to be assertive. Is quite helpful and conscious of other's needs. May want very little autonomy. May have difficulty handling autonomy in some situations. May hesitate to take initiative. Has a strong desire to work for a capable authority. Has high expectations of a supervisor and of others. Is very much a perfectionist

---

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3

[Logo] Harrison Inner View Profile Report
Main Report For Grazyna Christman
Entered on 06/03/2002
MOTIVATION
Prefers moderately challenging work. Is extremely clear about her goals and is strongly motivated toward them. Is generally at ease and relaxed while working with only some tension. Is able to deal with stress moderately well. Is quite motivated by money,

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but not excessively so. Has benevolent intentions. Undertaking work which benefits others/society is quite important to her. Tends to follow through on her benevolent actions. Wants to benefit herself as well as others. This may sometimes cause conflict between her own desires and the desire to benefit others. Has a quite strong desire to have a stable career.

SUPPORT

Is fairly empathetic and warm. Is extremely self-accepting. Has moderate interest in self-improvement. May focus excessively on self-justification rather than on self-improvement. May want recognition very much.

ORGANIZATION

Is moderately well organized. Is fairly flexible and adaptable to changes. Is very precise. Is moderately systematic. Is fairly willing to follow closely defined procedures and schedules.

LEADERSHIP

Lacks interest in assuming a leadership position. Does not have interest in planning. Prefers not to have to spend too much time in a planning role. Prefers not to have to enforce rules and may be overly empathetic when firmness is needed.

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[Logo] Harrison Inner View Profile Report
How To Manage Report For Grazyna Christman
Entered on 06/03/02

This section of the report is designed to assist Grazyna's manager to work with her in order to create a mutually beneficial relationship. Adjusting management style wherever appropriate to accommodate individual traits and preferences will offer job satisfaction to Grazyna and higher productivity to the company. The general approach of this section is to explore ways to benefit from Grazyna's strengths, to neutralize weaknesses, and to accommodate her individual needs within the context of the particular employment situation. In order to obtain the best results from this report, jointly look for ways to apply these general ideas. The suggestions in this section must be applied in the context of sound management practices, good interpersonal shills and according to the specific employment circumstances.

COMMUNICATION

Provide the support and encouragement necessary to help her to express her real views as she may tend to be evasive or indirect. Be diplomatic in order to deal effectively with her.

POWER

Encourage her to state what she wants and needs and discuss regularly.

MOTIVATION

Try to align her professional goals with the goals of

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the organization. Give help to structure her position so that she can feel that she is doing work that benefits others, otherwise, she may have difficulties due to experiencing a need for greater meaning or sense of purpose.

SUPPORT

Give regular specific and sincere recognition as she is very motivated by being given recognition.

ORGANIZATION

Consider how to utilize her natural ability to be precise.

LEADERSHIP

She may be very uncomfortable in a leadership position and thus be less effective. She may have difficulty with interpersonal relationships that would interfere with effective leadership. Consider adjusting duties if the person requires enforcing rules.

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 2003 Merit
Exhibit 71

From: Brian Lytwynec [Handwritten: Rick's Boss]
To: Rick Beidleman
Cc: Anthony.Paolozzi, Cheryl.DeAngelo,
Daniel.O'Connell, Doug.Robinson,
Grazyna.Christman, Michael.Evolo, Rob.Sherman,
Steve.Barry, Steve.Lorenz
Sent: Friday, 14 February 2003 8:05am ET
Subject: RE: HSB Contingent Commission

Rick, thanks to you and, particularly, Grazyna. It's good news and we sure appreciate it. Brian

< - - - - - - - - - - Forwarded letter follows - - - - - - - - - >
Date: Monday, 10 February 2003 4:33pm ET
To: Rob Sherman
Cc: Brian.Lytwynec, Michael.Evolo, Steve Lorenz,
Anthony.Paolozzi, Cheryl.DeAngelo,
Daniel.O'Connell, Grazyna.Christman, Steve.Barry
From: Rick.Beidleman
Subject: HSB Contingent Commission
Rob –
At long we have finally come to agreement with HSB on the contingent payment for the years '98 thru '02.

Due in very large part to the initiative and perseverance of Grazyna Christman we have developed numbers and agreed with HSB on a contingent payment to us in the amount of 330,500.00. This compares, I am told, to some

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Exhibit 71

$85,000 we have accrued for the payment. This outcome is the result of a lot of hard work by Grazyna as well as good interactions with the folks at HSB. And, it clears up contingent calculations that go back as far as the 7/1/98 – 12/31/99 profit contingent period.
We are told that the check is being cut and will be available next week when HSB visits. I don/t anticipate any change, but it won't be in the bank until next week.
Obviously, the fact that we earned a contingent commission reflects very positively on all work being done by the folks who put the business on the books.
Thank you.
Rick

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Defendant 02/18/05 Email
Exhibit 78, p.1

[Picture]
shaunastar.m.douglass@us.pwc.com
02/18/2005 09:35 AM
To: Grazyna.Christman@notes.uticanational,com
cc:
bcc:
Subject: Re: 2180202 Balances Payable
History: This message has been replied to.

This is awesome! I will be working with Dave and Josh this morning (hopefully) and then I will review your spreadsheets over the weekend and start working with you on some of the reconciliation testing we did last year (i.e, where we tied out the premium system, etc.)
Thanks again – these are really great . . . were you ever an auditor?!

Grazyna Christman@uticanational.com
02/18/2005 08:38 AM
To: Shaunastar M
Douglass/US/ABAS/PWC@Americas-US
cc:
Subject: 2180202 Balances Payable

Good morning Shauna,
Good to hear from you again, hope you had a good year.
I had put together the information in the form of

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Excel files to show payment of balances, which you questioned in the e-mail sent to Mike. Some were straight forward, other – a part of larger payments. Please see the attached files and let me know, if sufficient:
I will be happy to answer questions/provide additional information.
Thank you.

Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group

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Plaintiff 01/22/05, 01/19/05 & 08/05/04 Emails
Exhibit 79, p.1

[Picture] Grazyna Christman/UNIG
01/22/2005 11:02 AM
To Bob Dicks/UNIG@UNIG
cc:
bcc:
Subject: Re: Tsunami Disaster Relief

Good morning Mr. Dicks,
I am happy I was able to help and thank you for matching my contribution.

Grazyna H. Christman
Reinsurance Accounting
Utica national Insurance Group
P.O.Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone:800/274-1914 ext.2214 or 315/734-2214
Fax: 315/734-2662
Bob Dicks/UNIG
[Picture] Bob Dicks/UNIG
01/22/2005 10:23 AM
To Diane Rice/UNIG@UNIG
cc:
Subject: Tsunami Disaster Relief
Just a note to let you know I received your check. On behalf of Foundation, our Company, the American Red Cross and all of the victims your contribution will help.....THANK YOU!

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 01/22/05, 01/19/05 & 08/05/04 Emails
Exhibit 79, p.1-2

Bob
Robert W. Dicks, Jr.
VP General Auditor
Utica National Insurance Group
P.O.Box 530
Utica, NY 13503
Email: bob.dicks@uticanational.com
Phone: (315) 734-2368
Fax..... (315) 734-2662

1

[Picture] Grazyna Christman/UNIG
01/19/2005 10:54 AM
To EDCHIN@ajg.com
cc:
bcc:
Subject: Harden Managers XOL

Good morning Ed,
Happy New year and hope that all is well with you. We need your assistance with balance, which we are carrying as due to Utica for harden Managers XOL (our number F0430). The amount is $7,243.58 and is part of my account reconciliations; however, I had not handled this Treaty myself. Would you please advise what balances, if any are shown on JPW books?
Thank you for your help and best regards,

Grazyna H. Christman
Reinsurance Accounting

Appendix D

Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-8
Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 01/22/05, 01/19/05 & 08/05/04 Emails
Exhibit 79, p.2-3

Utica national Insurance Group
P.O.Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone:800/274-1914 ext.2214 or 315/734-2214
Fax: 315/734-2662

2

[Picture] Grazyna Christman/UNIG
08/05/2004 02:55 PM
To: Thompson Pat-
Princeton<PThompson@amre.com>
cc: Cheryl Deangelo@uticanational.com,
Grazyna.Christman@notes.uticanational.com,
Lee.Young@uticanational.com
bcc:
Subject: Re: Fw: Metroplex Garden, Morelos Project,
Nogales Produce THIRD REQUEST
Hi Pat,

I am confirming that Metroplex reinsurance premium had been keyed by Michele on 7/31/04. The amount of $11,850.00 will interface into accounting system over this weekend (premiums are always processed on 6th business day). So will the premium codings for Morelos and Nogales policies, even though Michele had keyed them earlier in July (please refer to my earlier e-mail dated 07/31/04).

Pat, we certainly appreciate your patience and

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apologize for any inconvenience this delay could have caused. I will be off tomorrow, so should you have any questions, please do not hesitate to call me on Monday.
Thank you and best regards,

Grazyna H. Christman
Reinsurance Accounting
Utica national Insurance Group
P.O.Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone:800/274-1914 ext.2214 or 315/734-2214
Fax: 315/734-2662

Thompson Pat-PrincetonPThompson@amre.com
08/05/2004 10:13 AM
To: Grazyna.Christman@notes.uticanational.com, Cheryl deangelo@uticanational.com, Lee.Young@uticanational.com
cc:
Subject: Re: Fw: Metroplex Garden, Morelos Project, Nogales Produce THIRD REQUEST

Good Morning Cheryl, Grazyna & Lee,
Can anyone tell me if the Metroplex premium has been done and is now ready for

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Exhibit 80, p.1

[Picture]gmetzge@gcr.com
09/18/2003 10:16 AM
To Grazyna.Christman@UTICANATIONAL.COM
cc:
bcc:
Subject: Re: Accounting contact-premium p
Date: Thu, 18 Sep 2003 10:16:27 -0400
To Grazyna.Christman@UTICANATIONAL.COM
From: gmetzge@gcr.com
Subject: Re: Accounting contact-premium problems with facultative School risk
Grazyna,

Thank you very much for your quick response and help with this matter-very much appreciated!
If there's ever anything you need on our end, please do not hesitate to contact me.
I'm not sure if you know, but I work with Cheryl Daniels on the Schools/Printers/Condos (condos now being extinct) programs-prepare the certificates which we mail to you. Any questions on these matters, let me know.
Thanks again!
Regards,
Gian
Gian Metzger
GeneralCologne Re
(860) 520-7678 (phone)
(860) 520-7718 (fax)

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Buy Fac Online @http://facworld.com
Grazyna.Christman@uticanational.com
09/18/2003 10:08 AM
To: gmetzge@gcr.com
cc:
Subject: Re: Accounting contact-premium problems with facultative School risk
Gian,

As per our conversation I am confirming that Utica has the following amounts coded for Churchville-Chili Central (CPP 1357621): $3,414 for PY2002 and $14,250 – PY2003. This policy has not been listed on

1

Gen Re recent statement, I presume that it should show next month at which point Utica will pay the premium.
I am glad we have it resolved. Please do not hesitate to call should you have any questions.
Regards,
Grazyna H. Christman
Reinsurance Accounting
Tel: (315) 734-2214
Fax: (315)734-2662 Email:
E-mail:grazyna.christman@uticanational.com
- - - - - - - (Forwarded letter 1 follows) - - - - - - -
Date: Thu, 18 Sep 2003 09:45:09 -0400
To grazyna.christman
From: gmetzge@gcr.com

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Plaintiff 09/18/03 & 04/23/02 Emails
Exhibit 80, p.2

Subject: Re:Accounting contact-premium problems with facultative School risk
Hi Grazyna,
I need some help. I'm looking to contact someone in your Accounting department to correct the premium on a school risk, which was endorsed mid-term. The Reinsurance confirmation sheet received from Utica had the wrong additional premium, and emails have gone back and forth between our UW UW's there (John Acee and Charles DeCosty).
Whom should I contact regarding these issues? This is a long outstanding item which we'd like to get resolved. Here are the details:
Churchville-Chili Central School District, your policy CPP 1357621. Our certificate for the expiring year 7/1/02-03 is AFF-M501424, which was endorsed mid-term (11/19/02) for the additional premium of $3414. that amendment came with the wrong additional premium.
We are also looking for the 7/01/03-04 renewal confirmation notice on this school, an annual premium of $14,250.
Hope you can help us with this item, or point me in the right direction. My old Accounting contacts were Rosemary Wadas, Kristin Wilson- but an unsure what division they're working in now.
Thank Grazyna!
Regards,

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Exhibit 80, p.2-3

Gian
Gian Metzger
GeneralCologne Re
(860) 520-7678 (phone)
(860) 520-7718 (fax)
Buy Fac Online @http://facworld.com
2
From: Grazyna.Christman
To: Cheryl.DeAngelo
Sent: Tuesday, 23 April 2002 1:10pm ET
Subject: RE: Reinsurance acctg corrections
Hi Cheryl

I gladly do that. Please let me know if there is anything else that I could do to make communication easier.
Have a nice day!
Grazyna
==========
Grazyna.Christman@UticaNational.com
Phone: (315) 734-2214
Fax: (315) 734-2994
<- - - - -Forwarded letter follows- - - - >
Date: Tuesday, 23 April 2002 12:56pm ET
To: Grazyna.Christman
From: Cheryl.DeAngleo
Subject: Reinsurance acctg corrections
Hi Grazyna
See you've been busy trying to get some of the

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reinsurance corrected. I have been sending copies to the Und. Mgrs to ask them to also followup.
Could you please CC: the Underwriting Managers on the future reinsurance emails. This will help cut down the time lag with me sending them the followup email. Hopefully with all the parties CC'd we'll get to the root of any problems to cut down on these in the future. Thanks.
They are: ERO/SPECRO: John Griffin & Frank Zurschmit
NERO: Tony Sychtysz
RFI: Williams Miller
MARO: Mat Lupino
SERO: Jim Reilly
SWRP: Benton Hall

Cheryl

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant Discipline
Exhibit 74, p.1

From: Michael Evolo
To: Nina Owens
Cc: Rick Beidleman
Sent: Thursday, 15 January 2004 9:54 am ET
Subject: [Redacted]
Nina,

During [redacted] performance review on August 7th, I discussed with him how his "lack of accuracy and the mishandling of certain calculations compromised the integrity of our financial statements. I also discussed with him my expectation that his calculations balance back to the General Ledger and that he think through his actions when completing his assigned tasks. As a follow up to his performance review [redacted] and I met to discuss his work performance since his last review and I reported to him that I am satisfied with his progress. I will continue to closely monitor his work performance and provide him with the necessary feedback from which he can gauge his progress.

Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – Michael.evolo@uticanational.com
Fax – 315.734.2662

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant Discipline
Exhibit 74, p.2

Utica National Insurance Group [Logo] Insurance that starts with you
To: [Redacted]
Office, Dept. Reinsurance
Date: May 17, 2005
From: Michael Evolo
Office, Dept. Reinsurance
Subject: Written Warning
Cc: Dane Austin

This is a follow up to our meeting on Friday, May 13th, and is considered a formal "written warning" regarding the incident that took place during the week of math 9th. A discussed, you produced an exhibit that was forwarded to Holborn Intermediaries that contained inaccurate information. Specifically, you overstated our catastrophe losses for 1992 by $41M dollars. As we discussed, the Reinsurance Department's most important competency is producing accurate accounting information. As such, each Reinsurance Accountant is responsible for producing accurate results.
In reviewing this particular situation, it is clear that you did not review your exhibit for accuracy or reasonability, both of which should be a customary practice. While I certainly understand the challenge of compiling the data, there is no excuse for not checking your work. Should there be another incident

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Defendant Discipline
Exhibit 74, p.2-3

involving inaccurate information within the next 12 months, further disciplinary action may result.

[Redacted] you must give serious consideration to dedicating additional effort in reviewing your work product to ensure its accuracy. Further to our conversation regarding the work time, it is also important to remember that as an exempt professional, you are expected to work the required number of hours necessary to accomplish the work. Please let me know if you have any questions

s/
[Redacted]

2

[Logo] Utica National Insurance Group
Your Employee Handbook
Section: Discipline
Levels of Discipline

Discipline is administered in accordance with the level of the offense. While the Company's disciplinary procedure is progressive in nature, not all steps are followed in all cases. Levels of discipline include:

1. Verbal Warning
2. Written Warning
3. Disciplinary Probation
4. Temporary lay-off without pay
5. Demotion
6. Termination

• Disciplinary Offenses

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Defendant Discipline
Exhibit 74, p.3

Below is a list of actions and/or behaviors which are considered to be unacceptable conduct or unsatisfactory performance. These offenses would generally require the supervisor/manager to follow the outlined progressive disciplinary steps; such offenses include but are not limited to the following:

✓ Tardiness
✓ Poor work performance
✓ Excessive absenteeism
✓ Violation of Company traffic or parking rules
✓ Use of profane or abusive language
✓ Horseplay or pranks

Below is a list of actions and-or behaviors that so interfere with the work of other employees and conduct of the Company's business that progressive discipline may not be followed. These offenses may subject an employee to discipline up to and including immediate discharge; such actions or behaviors include but are not limited to the following:

✓ Unauthorized possession, or destruction of Company property or another employee's property
✓ Unauthorized possession of firearms or weapons of any kind on Company property
✓ Gambling on Company premises
✓ Insubordination or willful disregard of an order or willful neglect of duty
✓ Falsification of any Company records
✓ Date" 03/01 Page 1

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Accountant II – 2003 Review
Exhibit 23, p.1

Utica National Insurance Group
EMPLOYEE PERFORMANCE REVIEW
[Logo] Employee [Redacted] Office/Dept. U1 01 14 04
Job Title Accountant II Grade 11
Length of Time in Position 2 yrs.
Date of Review [blank]
Job Description: x Is Satisfactory ☐Needs Updating ☐Needs to be Re-Evaluated [stamp] Aug 15 2003 [handwritten] 416-11
Reason for Review: A – Annual Review
Directions: Place an "X" in the box which best describes the employee's level of performance in each category. Use the comments area to support the rating given. PERFORMANCE PLAN OF ACTION: State the agreed-upon performance improvement objectives: Each objective should include an action plan and time frame for completion.
REQUISITE PERFORMANCE FACTORS
Quality:
Give consideration to aspects such as:

- Accuracy
- Neatness
- Thoroughness
- Need for Checking

☐ Work rarely requires correction or review. Work is consistently error-free, complete and thorough.
☐ Work is generally error-free, complete and thorough, requiring minimal correction or review.
☐ Meets expectations for accuracy and thoroughness;

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Accountant II – 2003 Review
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may require some supervisory review.
x Sometimes produces work which is below expectations and standards for thoroughness or accuracy. Often requires supervisory review.
□ Makes excessive error requiring considerable correction and ongoing supervisory review.
Comments: Producing timely and accurate work must be a priority. There have been a number or instances where [redacted] didn't take time to reconcile or verify his work before submitting it. (Asbestos billings to JPWoods, AAD Summary, E & O Settlement billing, Gen Re Profit Sharing calculation and the AMRECO journal entry error). These have all proven to be costly errors. [Redacted] has the knowledge and the understanding to produce quality results, however, he must take the time to verify his work by reconciling it back to the General Ledger, ask himself "does this make sense" and/or ask his supervisor if he doesn't understand a particular calculation. It is crucial that [redacted] understands how his work-product effects the financials and the ramifications of being incorrect.
Productivity:
Give consideration to aspects such as:
- Quality
- Speed
- Deadlines
- Service

□ Consistently exceeds expectations for quantity and

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Accountant II – 2003 Review
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timelines. Deadlines are always met and work is often ahead of schedule. Consistently demonstrates high commitment to service.

□ Often exceeds expectations for quantity and timelines. Deadlines are almost always met and work may be occasionally ahead of schedule. Usually demonstrates high commitment to service.

x Meets expectations for quantity and timelines. Deadlines are usually met. Demonstrates good commitment to service.

□ In some instances work is below expectations for quantity and timelines. Deadlines are occasionally missed. Sometimes fails to demonstrate commitment to service.

□ Does not meet minimum expectations for quantity and timelines. Deadlines are frequently missed. Fails to demonstrate commitment to service.

2-r-249 Ed. 1-03 1

PERFORMANCE PLAN ACTION: State the agreed-up performance improvement objectives. Each objective should indicate an action plan and time frame for completion.

Factor Quality

Objective(s) To produce accurate and timely reinsurance accounting information. To maximize ProCede potential through efficiency of process, determination of management information,

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Accountant II – 2003 Review
Exhibit 23, p.6,9

financials, etc. To enhance operational efficiencies in thepayment of our reinsurance premium obligations and recovery of losses.

Plan of Action -Take time to step back and assess your work – is it correct? Does it make business and practical sense? -All accounting work needs to reconcile back to the general ledger! -Learn the potentials of ProCede and exploit the possibilities. -Be aggressive in the learning of the ProCede system –constantly ask "why?"

Factor Productivity

Objective(s) [blank]

Plan of Action [blank]

Factor Job Knowledge

Objective(s) To attain the highest degree of technical expertise.

Plan of Action -Continue successful completion of undergraduate studies to complete your degree in Accounting. -Successful completion of ARe series. -Completion of company sponsored PC classes – Crystal training. Timeframe: August 2003. –Close interaction with Supervisor in order to understand the 'big picture" –Actively participate in reinsurer and broker meetings in order to gain a better understanding of the reinsurance market.

6

Formal Report/Presentations [Blank]

ADDITIONAL COMMENTS:

[Redacted] is a conscientious, hard working employee

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Accountant II – 2003 Review
Exhibit 23, p.9

who wants to do the right thing. Some of the missteps that have occurred should be considered learning experiences, however, [redacted] should understand that his credibility has been strained and he must work to rebuild his reputation. Accurate reinsurance accounting is vital and [redacted] needs to realize his work is extremely important to the integrity of our financial statements. I am committed to providing [redacted] with the necessary tools and direction needed to accomplish his responsibilities in a timely and accurate manner. It is important that whenever [redacted] does not understand a reinsurance issue, he have the fortitude and maturity to ask me for help. I look forward to working with [redacted] over the next year to accomplish his personal goals and the goals of the reinsurance department. [Redacted] and I have discussed the need for improvement in the quality of his work (error free) and he fully understands that if the quality of his work does not sufficiently improve within 90 days of his review further disciplinary action will result.

Employee Comments: [blank]

Employee's Acknowledgement

This is to acknowledge that my supervisor review my job progress with me on 8/7/03 (date). My signature indicates that I understand the contents of this review. It does not necessarily indicate that I agree with its contents. Employee [s/ redacted]

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Deposition Transcript Austin, Excerpts
Exhibit 35, p.1

STATE OF NEW YORK
FIFTH JUDICIAL DISTRICT
SUPREME COURT COUNTY OF ONEIDA
* * * * * * * * * * * * * * * * * *
GRAZYNA H. CHRISTMAN
Plaintiff
-vs- Case No. 6:06-cv-1392
UTICA NATIONAL INSURANCE GROUP, INC.,
Defendant
* * * * * * * * * * * * * * * * * *

HELD AT: GETNICK LIVINGSTON, ATKINSON, GIGLIOTTI & PRIORE, LLP
258 Genesee Street
Utica, New York
November 8, 2007

EXAMINATION BEFORE THE TRIAL of DANE AUSTIN, taken by the Plaintiff, pursuant to Notice.

APPEARANCES:

STEFAN D. BERG, ESQ.
Attorney for Plaintiff
309 Arnold Avenue
Syracuse, New York 13210
GETNICK, LIVINGSTON, ATKINSON, GIGLIOTTI & PRIORE, LLP

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U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Deposition Transcript Austin, Excerpts
Exhibit 35, p.1,11

22 Attorneys for Defendant
258 Genesee Street
23 Utica, New York 13502
BY: JOSEPH.A DETRAGLIA, ESQ., of Counsel
24
25 11

1 proceed?
2 A. I don't remember specifically how to proceed, other
3 than to keep me informed as the month went on. The outcome of
4 the early January meeting was that over the next thirty days
5 would be critical to Grazyna's continued employment there and
6 that she had to dramatically improve on her working
7 relationships and on accuracy of her work, accuracy and
8 timelines.
9 Q. Subsequent to the January meeting, did you have
10 further discussions with Mr. Evolo about Ms. Christman?
11 A. Certainly.
12 Q. And do you recall the general substance of those
13 meetings?
14 A. Regarding?

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Exhibit 35, p.11,14

15 Q. Ms. Christman
16 A. In general, yes. As errors would pop up, we would
17 discuss those errors and problems, and working relationship
18 issues. It was clear to me that progress was not being made
20 Q. Did there come a time in January of '05 when you
21 suggested to Mr. Evolo that she should be terminated?
22 A. I don't recall that. In January of '05, we had
23 agreed to give Grazyna thirty days to take a serious run at
24 this, to try to get back on track.
25 Q. Do you recall which of you made the first statement

14

1 Q. Sir, I would like to ask you about another employee in
2 the department who, at that time in '04, was an Accountant II.
3 Are you familiar with that employee?
4 A. Yes.
5 Q. During this time frame – obviously, we are only
6 discussing the time frame of about November '04 until.
7 January/February '05 while you were the

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Exhibit 35, p.14-15

Director, while Ms.
8 Christman was employed there – did Mr. Evolo raise with you
9 issues about accuracy of the work of the Accountant II?
10 A. Issues or issue? There was an accuracy problem, but
11 not a tom of problems, not a ton of errors. Not a large
12 number of errors.
13 Q. How did you, in your mind distinguish between the accuracy
14 problems of Ms. Christman and the accuracy problems
15 of Accountant II?
16 A. I can't remember specifically how I remembered them.
17 In general, I can remember them as Ms. Christma[illegible] numerous
18 errors and [illegible]e Accountant II did not have numerous errors.
19 Q. Issue was also raised regarding working
20 relationships of Ms. Christman and of Accountant II. Were the
21 working relationship issues of Accountant II raised with you,
22 also?
23 A. I don't recall issues of working relationship with

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Exhibit 35, p.15-16

24 Accountant II.
25 Q. Okay. When you were considering terminating Ms.

15

1 Christman's employment, did you compare her performance with
2 that of the other two employees in the department?
3 A. Yes, I' sure I did.
4 Q. And how did you rate them?
5 A. How did I rate them?
6 Q. When you prepared the three, what conclusions did
7 you draw?
8 A. Between the three?
9 Q. Yes.
10 A. I'm not sure I follow your line of thinking on that.
11 Q. You did compare in your mind the performance of
12 Grazyna and the two other employees?
13 A. I'm sure I did.
14 Q. How did you distinguish Ms. Christman's performance
15 and the performance of the other two employees?
16 A. I can't recall specifically exactly how I thought.
17 Q. Do you recall, in general, what you were thinking?

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Exhibit 35, p.16

18 A. Yes.
19 Q. And what was that, sir?
20 A. That. Ms. Christman's inaccuracy – errors, I should
21 call them – errors and working relationships issues far beyond
22 what could be tolerated in an accounting position,
compared to
23 what we had with the other accountants.
24 Q. The errors of the other accountants were not as
25 numerous as those of Ms. Christman?

16

1 A. Nowhere near.
2 Q. And what about the impact on the work product of
3 Utica National, the impact of the errors on the Utica National
4 work product?
5 A. In that sixty-day time period? I don't recall any
6 errors of the Accountant II in that sixty-day time period. If
7 I 'm trying to get to the impact of Mr. Christman's errors on
8 Utica National –
9 Q. Yes.
10 A. - - it's a two-pronged problem. One is that

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Exhibit 35, p.16

outside
11 - - errors that went out to outside entities, if you will, created
12 problems for us in terms of our credibility with reinsurers.
13 Credibility with reinsurers parlays into their risk tolerance
14 or their risk appetite with a carrier. So if errors are
15 produced to outsiders, you become a less desirable ceding
16 company to those reinsurers, which, in a shrinking world of
17 the number of reinsurers, that's a problem. Reputation is
18 everything for our company. From an internal management
19 standpoint, errors can lead to wrong decisions, wrong
20 directions, wrong strategy. Accounting is precise and has to
21 be accurate.
22 MR. BERG: Thank you, I don't think I've got
23 any other questions.
24 (A brief recess was taken.)
25 (Whereupon, the Examination concluded.)

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U.S. District Court NYND Document 40-5
Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 02/11/05 Email
Exhibit 42

Michael Evolo/UNIG
02/14/2005 12:47 PM
To: Grazyna Christman/UNIG@UNIG
cc: Dane Austin/UNIG@UNIG
bcc: Nina Owens/UNIG@UNIG
Subject: Re: January Meeting
Grazyna,

Let's plan on meeting later this week. I'll let you know the particulars.

Thanks –
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662
Grazyna Christman/UNIG
[Picture]
Grazyna Christman/UNIG
02/11/2005 04:49 PM
To: Michael Evolo/UNIG@UNIG
cc: Dane Austin/UNIG@UNIG
Subject: Re: January Meeting
Mike,

Could you please tell me when we will meet to do a "30 days follow up" to our 01/06/05 meeting?

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Plaintiff 02/11/05 Email
Exhibit 42

Thank you.
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 09/20/04 Email
Exhibit 33, p.1

Rick Biedleman/UNIG
09/20/2004 10:15 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: Fw: 2004 Performance Review
History: This message has been replied.
Grazyna,

Yes I have.
I apologize for the delay in responding.
We'll get together shortly.

Rick
Grazyna Christman/UNIG
[Picture]
Grazyna Christman/UNIG
09/15/2004 02:28 PM
To: Rick Biedleman/UNIG@UNIG
cc:
Subject: Fw: 2004 Performance Review
Good afternoon Rick,

I was wondering, if you had a chance - as per our conversation back in August – to go over my comments added to the annual performance review.
Thank you,
Grazyna H. Christman

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U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 09/20/04 Email
Exhibit 33, p.1-2

Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662
***** Forwarded by Grazyna Christman/UNIG on 09/15/2004 02:19 PM *****
[Picture]
Grazyna Christman/UNIG
08/11/2004 11:12 AM
To: Rick Biedleman/UNIG@UNIG
cc:
Subject: Re: Fw: 2004 Performance Review

1

Rick,
I would like to say thank you for giving me an opportunity this morning to express my views and concerns related to the reviews (both nine months and annual) prepared by Mike and your offer to go over 59 pages of my response, which I added on July 26, 2004.
I really appreciate it and will await your reply.
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-5
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 09/20/04 Email
Exhibit 33, p.2

Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662
Rick Beidelman/UNIG
08/10/2004 12:18 PM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: Fw: 2004 Performance Review
Grazyna –

How about first thing (7:00) tomorrow morning? That work for you?
Rick
Grazyna Christman/UNIG
[Picture]
Grazyna Christman/UNIG
08/10/2004 11:42 AM
To: Rick Biedleman/UNIG@UNIG
cc:
Subject: Fw: 2004 Performance Review
Hi Rick,

May I ask for a few moments of your time to discuss briefly my performance review prepared by Mike? I wish to escalate this issue to a higher level, but would not like to do that without taking to you first. I fully understand that your schedule is very busy and involves travel in the near future and I certainly

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 09/20/04 Email
Exhibit 33, p.2-3

would not like to interfere with it. Could you please let me know what time would be convenient for you?

2

Thank you!
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662
***** Forwarded by Grazyna Christman/UNIG on 08/10/2004 11:17 AM *****
[Picture]
Grazyna Christman/UNIG
08/11/2004 11:15 AM
To: Michael Evolo/UNIG@UNIG
cc:
Subject: Re: 2004 Performance Review

Thank you Mike, I appreciate it!

Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com

Appendix D

Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 09/20/04 Email
Exhibit 33, p. 3

Phone: 800/274-274-1914, ext 2214 or 315/734-2214
Fax: 315/734-2662
Michael Evolo/UNIG
Michael Evolo/UNIG
08/10/2004 11:11 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: 2004 Performance Review
Grazyna,

I have discussed with Rick and Nina your desire to advance your opinions to a higher level. At this point, it will be up to you to schedule time with them.

Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662

Appendix D

Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-4
Plaintiff's Rule 7.1 Response Filed 05/28/08
Reply 2004 Review, pp.1-2,59
Exhibit 31, p.1

ADDITIONAL COMMENTS
Grazyna must give serious attention to improving her performance and her ability to work with others. I have outlined a number of instances where she has fallen short in both of this areas and my expectation is that she will make them both priorities in the coming year. Her delivery in conversations is perceived as abrasive and confrontational so she must be willing to make an adjustment in the way she interacts with others in order to gain their respect. She must also be willing to recognize my attempts to provide her with feedback as a means of helping her and not show resistance or deny the facts – she needs to be cooperative. I expect that she will be mature enough to receive this critical feedback and use it to better understand what needs to be adjusted,
Grazyna has exhibited some technical skills with the use of the computer and she should work this to her advantage. She must take this strength and broaden its application in an effort to increase our efficiencies. She must bring forth ideas that will improve our effectiveness, especially during the cross-over to ProCede.
I expect that Grazyna will complete the following in order to improve her performance:
- ARe designation
- Improve her working relationships with both internal and external customers. (to be reviewed

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Reply 2004Review, pp. 1-2,59
Exhibit 31, p. 1

periodically by supervisor)
- Be cooperative with everyone she has contact with.
- Contribute willingly and productively to ProCede and other departmental objectives.
- Use her knowledge and expertise to develop an overall understanding of department's job's objectives, implement appropriate priorities where discretionary, and meet deadlines imposed.

Employee Comments:
I would like to thank my supervisor, Mike Evolo for his time to do my annual performance review. For the record I wish to include my reply to a 9-months work performance prepared by Mike and discussed on 5/11/04. I had been quite disturbed by that evaluation and Mike's commentary to my response, and even more by the annual review and no salary increase. (cont. Page 2)

Employee's Acknowledgement
This is to acknowledge that my supervisor reviewed my job progress with me on 7/22/04 (date). My signature indicates that I understand the contents of this review. It does not necessarily indicate that I agree with its contents.
Employee *Please see the attached*
Supervisor s/ Michael S. Evolo
Manager s/ R. Beidleman 7/22/04

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2004 Review, pp. 1-2,59
Exhibit 31, p. 2, 59

Page 2 of 59
The review had not reflected my performance through the whole year. The negative comments seemed to have been chosen selectively, and positive ones – omitted. The comments had been incomplete and/or inaccurate.
I consider myself a hard working, dedicated, intelligent and well educated employee, who has a good understanding of her job responsibilities. I feel that there have been situations within Reinsurance Unit, which did not seem right. Like unevenly distributed workload; my co-workers excessive and not business related activities during work hours; co-workers not assuming ownership of their errors; lack of guidance and advising from higher graded co-workers (Accountants: II and Senior) of less experienced staff members; promotion merits.
I had questioned/brought these to Mike's attention during past year. I would like to put comments to various Performance Factors right on the copies of supporting documentation:
Please see the following pages.
[Pages 3-58 omitted]

Page 59 of 59
This concludes my comments.
Thank you for your time to review.
s/ Grazyna Christman 07/26/04

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-8
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendants JPWoods Managers Meeting
Exhibit 73 (Reformatted Calendar)

March 10/26/2004 10:57 AM

Sun	
Mon 1	GRC-Personal Umbrella audit
Tue 2	GRC-Personal Umbrella audit
Wed 3	JPW Asbestos Conf Call GRC-Personal Umbrella audit
Thu 4	Odyssey Re-Dominique Simeon/Roger Rossiter-Surety Renewal
Fri 5	Odyssey Re-Dominique Simeon/Roger Rossiter-Surety Renewal JPWOODS SURETY RECOMMENDED LINES FROM JPWOODS
Sat 6	
Sun 7	
Mon 8	Gib Brady and Dave Tritton-Benfield-Dinner
Tue 9	JPWoods Account Managers Meeting
Wed 10	JPWoods Account Managers Meeting
Thu 11	Tony Clayton/Harrington Syndicate
Fri 12	SURETY FIRM ORDER Tony Clayton/Harrington Syndicate
Sat 13	
Sun 14	
Mon 15	GRC Claims-Kathy Karnell, Beth Brenton, Martha Lindner
Tue 16	GRC Claims-Kathy Karnell, Beth Brenton, Martha Lindner
Wed 17	GRC Claims-Kathy Karnell, Beth Brenton,

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendants JPWoods Managers Meeting
Exhibit 73 (Reformatted Calendar)

Martha Lindner
Lunch with Tim Brophy/Scott Burgess Willis
Thu 18 GRC Claims-Kathy Karnell, Beth Brenton, Martha Lindner
JPWoods-Cat Modeling team teleconference
Fri 19 SURETY FIRM ORDER
Sat 20
Sun 21
Mon 22
Tue 23 Rick-NYPIA
Wed 24
Thu 25 Dinner with Tom Barberi and Tom Gaughran-BF Re
Fri 26
Sat 27
Sun 28
Mon 29
Tue 30 PCAT INFO TO WOODS-ACTUAL
Wed 31 Dinner with HSB

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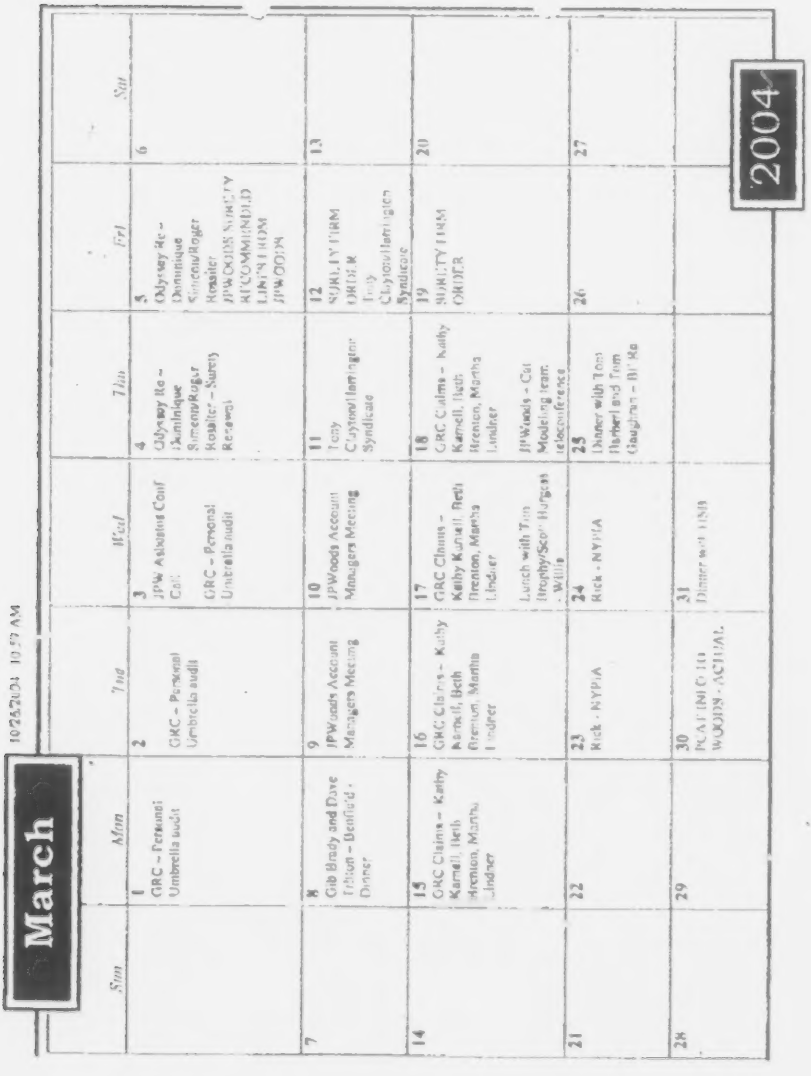
Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-8
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendants JPWoods Managers Meeting
Exhibit 73 (Original Format)



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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-3
Plaintiff's Rule 7.1 Response Filed 05/28/08
Sr Accountant – 2004 Review
Exhibit 25, p.2

Comments: [Redacted] tends to work in a methodical and determined manner, his quality/quantity balance continues to be good and he committed extra time on a number of occasions in order to ensure deadlines were met. [Redacted] likes to be sure his work is complete, but at times he may be too thorough creating some redundancy. Accuracy complemented by efficiency s[redacted] goal.
[Redacted] has shown good balance between analyzing potential difficulties of a plan or strategy and being optimistic. Cutting over to ProCede this year will be a challenge and I expect that [redacted] will embrace its full potential.
During year-end processing, [redacted] committed extra effort and time to complete his responsibilities as well as assist others in completing theirs.
Seeing task to completion – The Letters of Credit imaging project was to have been completed by December 1, 2003 – it has not been finished. It must be bought to conclusion by May 1st.
Job Knowledge:
Give consideration to aspects such as:
- Comprehension
- Retention

□ Has comprehensive knowledge of the job. Consistently adds to job knowledge.
□ Has solid understanding of the job. Frequently adds to job knowledge.
x Understands the major aspects of the job. Retains

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learning. Occasionally adds to job knowledge.
□ Does not consistently demonstrate adequate knowledge or major aspects of the job. Repetition of mistakes in some areas results in retraining.
□ Does not demonstrate knowledge of basic job concepts. Continuously repeats mistakes.

Comments: [Redacted] has added to his reinsurance knowledge by successfully completed ARe141. [Redacted] must continue his ARe studies and is expected to complete the ARe designation by the end of 2005. [Redacted] participated in company sponsored training in Access and Crystal. {Redacted] needs to continue to expand his understanding of reinsurance and it is expected that he ask questions and get involved in projects – he must be willing to go beyond previously perceived job boundaries.

[Redacted] has attended insurance claims audits and has visited JPWoods' office in order to gain first hand knowledge of their work process. [Redacted] is also a participant in our monthly recoverable meetings (asbestos and general recoveries) with JPWoods. [Redacted] mentioned in his pre-view questionaire that he becomes frustrated with the lack of explanations or understanding of certain aspects of his job. – [redacted] needs to be assertive in getting complete answers to his questions. If after he has exhausted his sources and is still uncertain or unclear he must pursue further explanation from me or Rick.

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Sr Accountant – 2004 Review
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Working Relationships:
Give consideration to aspects such as:
- Cooperation
- Ability to work for/with others
- Flexibility

□ Consistently maintains harmonious working relationships with diverse group. Excellent acceptance by others. Consistently communicates well with others.

x Often establishes harmonious relationships. Very good acceptance by others. Usually communicates well with others.

□ Relationships are generally positive. Good acceptance by others. May communicate well with others

□ Has difficulty in consistently establishing or maintaining harmonious relationships. Has difficulty in communicating with others.

□ Poor working relationships requiring frequent supervisory intervention. Consistent difficulty in communicating with others.

2

PERFORMANCE PLAN ACTION: State the agreed-up performance improvement objectives. Each objective should indicate an action plan and time frame for completion.

Factor Quality

Objective(s) To maximize ProCede potential in producing accurate, complete and timely

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Sr Accountant – 2004 Review
Exhibit 25, p.6

reinsurance accounting data through the use of designed electronic reports. Strive to aggressively pursue the timely collection of reinsurance recoverables – collection of outstanding balances within the first 90 days of the billing. To increase our ability to efficiently and accurately monitor our reinsurance recoverables, e.g. create crystal reports in ProCede that allow us to track reinsurer payment history, outstanding balances, billing information, etc.

Plan of Action -Pursue collections with vigor and tenacity. Be aggressive on recoveries in order to improve our collection effort. -Supervisor will seek the availability of professional training in collections – in order to aid in our loss recoverable process. -Don't settle for status quo – always look to find a more efficient way of completing your job. – Take time to ask yourself if a report or specific output makes business sense. If it doesn't, be assert[redacted] in your search for answers. –Use the phone to make contact with reinsurers who owe us money. Use e-mail as a follow-up and documentation tool.

Factor Productivity
Objective(s) [blank]
Plan of Action [blank]
Factor Job Knowledge
Objective(s) To attain the highest degree of technical reinsurance and reinsurance –accounting

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expertise. To develop a solid understanding of ProCede.

Plan of Action -Continue successful completion of ARe coursework. Timeframe: complete ARe 142 – Fall '04. Complete the ARe program by 12/31/05. –Understanding of our reinsurance contracts-terms, conditions, specific articles, etc. – Understanding of our reinsurance treaties and how they relate to our primary policies as well as the involvement of the claims department. – Understanding of our claims system, Claims Work Station.

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Sr Accountant - 2005 Review
Exhibit 24, p.7

Factor Job Knowledge

Objective(s) To attain the highest degree of technical reinsurance and reinsurance –accounting expertise thus becoming the best ceded reinsurance department in the business. To develop a solid understanding of ProCede. To strengthen knowledge and understanding of the reinsurance premium job tasks. To strengthen knowledge and understanding of Schedule F and our Annual Statement. To take responsibility for understanding how the reinsurance department fits into the corporate "bigger picture".

Plan of Action -Continue successful completion of ARe coursework. Timeframe: complete ARe 142 – Fall '05. Complete the ARe program by 12/2008. –Thorough understanding of our reinsurance contracts-terms, conditions and specific articles within our contracts. Read a different contract each month and review questions/comments with Supervisor. (Dave to schedule this training in April using LotusNotes) -Ongoing training (weekly/monthly) on Schedule F and Annual Statement items – to be scheduled by supervisor. –By 12/31/05, have a clear understanding how to navigate through ProCede. Participation in reinsurers meeting, broker meetings and reinsurance audits in order to gain additional knowledge of reinsurance.

Factor Working Relationships

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Exhibit 24, p.7

Objective(s)	[blank]
Plan of Action	[blank]

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.1

From: Michael Evolo/UNIG
10/13/2004 06:11 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: Disability
History: This message has been replied to.
Grazyna,
The worksheet you prepared for me yesterday outlining your vacation time did not include 10/29, however, your email below does. ??? Please clarify and let me know.

As for your ARe exam, I presume, you will reschedule for the first quarter of 2005.
As you have mentioned, please complete an exhaustive list of your responsibilities that need to be completed during your absence.
Thanks -
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662
Grazyna Christman/UNIG
[Picture]
Grazyna Christman/UNIG
10/08/2004 10:26 AM

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.1-2,

To: Michael Evolo/UNIG@UNIG
cc:
Subject: Disability
Mike,
Just to confirm our conversation this morning:
- my disability will start on 11/11/04 (day of surgery). I talked to Brent in HR and per his instructions called Prudential to initiate a claim;
- I will not be using my scheduled vacation time in December and will take it prior to the surgery as follows: Fridays 10/08, 10/15/ 10/22, 10/29 and 11/05 – quarter day each (total 1.25 days); Wednesday 11/10 – whole day. That adds up to 2.25 days, which according to my records I have available. Please let me know if in agreement.

- I talked to Cherie Mullen in regard to ARe exam – they will pull the form out;
- I anticipate to complete the quarterly tasks before my disability and will prepare a list of those, which will require attention in my absence.

1

Thank you for your support!
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica, NY 13503
Email: grazyna.christman@uticanational.com

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U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.2,4

Phone: 800/724-1914, ext. 2214 or 315/734-2214
Fax: 315/734-2662

2

[Picture]
Grazyna Christman @UTICANATIONAL.COM
03/26/2004 09:16 AM
To: Michael Evolo@UTICANATIONAL.COM
cc:
bcc:
Subject: RE: FW: RE: Coursework
Date: Friday, 26 March 2004 8:16 am ET
To: Michael Evolo@UTICANATIONAL.COM
From:Grazyna Christman @UTICANATIONAL.COM
Subject: RE: FW: RE: Coursework
Mike,

My apology, I did not mean to ignore you. Yes, I gave it a second though, and still have to say that my commitment will be for the fall semester.
Grazyna
Grazyna H. Christman
Reinsurance Accounting
Tel: (315) 734-2214
Fax: (315) 734-2662
Email: grazyna.christman@uticanational.com
----------(Forwarded letter 1 follows)----------
Date: Friday, 26 March 2004 8:12 am ET
To: Grazyna Christman
From: Michael Evolo

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U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.4-5

Subject: FW: RE: Coursework

G- May I have the answer please.
Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – michael.evolo@uticanational.com
Fax – 315.734.2662
----------(Forwarded letters 2 follows)----------
Date: Friday, 19 March 2004 8:32 am ET
To: Michael Evolo
From: Michael Evolo
Subject: FW: RE: Coursework
Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
4
Phone – 800.274.1914 Ext. 2544
E-Mail – michael.evolo@uticanational.com
Fax – 315.734.2662
----------(Forwarded letters 3 follows)----------
Date: Friday, 19 March 2004 8:32 am ET
To: Grazyna Christman
From: Michael Evolo
Subject: FW: RE: Coursework
G-
Would like to know if you have reconsidered your

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U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.5

time line for ARe 141?
Thanks –
Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – michael.evolo@uticanational.com
Fax – 315.734.2662
----------(Forwarded letters 4 follows)----------
Date: Friday, 15 March 2004 11:40 am ET
To: Michael Evolo
From: Michael Evolo
Subject: FW: RE: Coursework
Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – Michael.evolo@uticanational.com
Fax – 315.734.2662
----------(Forwarded letters 5 follows)----------
Date: Friday, 11 March 2004 1:58 pm ET
To: Grazyna Christman
From: Michael Evolo
Subject: FW: RE: Coursework
G-

Would prefer that you didn't wait that long.
Michael S. Evolo, CPCU, ARe
Reinsurance Department

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U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.5-6

Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – Michael.evolo@uticanational.com
5
Fax – 315.734.2662
----------(Forwarded letters 6 follows)----------
Date: Friday, 11 March 2004 1:38 pm ET
To: Michael Evolo
From: Grazyna Christman
Subject: FW: RE: Coursework

Mike, I planned to do it in the fall – Nov/Dec exam.
Thank you!
Grazyna
Grazyna H. Christman
Reinsurance Accounting
Tel: (315) 734-2214
Fax: (315) 734-2662
Email: grazyna.christman@uticanational.com
----------(Forwarded letter 7 follows)----------
Date: Friday, 11 March 2004 9:41 am ET
To: Grazyna Christman
From: Michael Evolo
Subject: Coursework
Grazyna,

I'd like you to get us all up and running again with course work. . . . . .do you intend to sign up to retake the ARe141 exam during May-June testing

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.6-7

period?
Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – Michael.evolo@uticanational.com
Fax – 315.734.2662 6
[Picture]
Grazyna Christman/UNIG
12/30/2002 10:55 AM
To: Michael Evolo/UNIG@UNIG
cc:
bcc:
Subject: RE: Coursework
Date: Monday, 30 December 2002 10:55am ET
To: Michael Evolo@UTICANATIONAL.COM
From:Grazyna Christman @UTICANATIONAL.COM
Subject: RE: Coursework
Mike,
I'm sorry, but I won't be able to commit myself to the exam during February-March testing window.
I had a follow up appointment in Cooperstown last Friday. Keeping Schedule F in mind, I had postponed my surgery till February – it's scheduled for 2/13/03. I'll be out on disability for a week or two. Under these circumstances all I can do is just take one day at a time.
Grazyna
==========

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U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant ARe Designation
Exhibit 88, p.7

Grazyna.Christman@uticanational.com
Phone: (315)734-2214
Fax: (315) 734-2994
----------(Forwarded letter 1 follows)----------
Date: Friday, 27 December 2002 7:16 am ET
To: Grazyna Christman
From: Michael Evolo
Subject: Coursework
Grazyna,

Would like to talk with you about course work. Do you intend to sit for an ARe exam during the February-March testing block? Looking into the future, what are your course work goals? Come by, let's talk about this.
Thanks--
Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone – 800.274.1914 Ext. 2544
E-Mail – Michael.evolo@uticanational.com
Fax – 315.734.

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-8
Plaintiff's Rule 7.1 Response Filed 05/28/08
Sr Accountant 2003 Promotion
Exhibit 72, p.3 (Reformatted)

For the Record 3

Utica life employee **Renee Baldwin** [picture] has been promoted to underwriter. Ms. Baldwin, a Utica employee since 1994 previously held the title of Underwriter Trainee. A graduate of Herkimer County Community College with an A.A.S. degree in business administration, she holds the ACS professional designation as well as ALU-Part I Certificate in Risk Selection. Ms. Baldwin also has completed additional industry-related course work.

Lisa Legando [picture] has been promoted to RFI Senior Claims Specialist. Formerly a Claims Specialist, Ms. Legando joined the company in 2000. She attended The Ohio State University and holds a B.S. degree in social work from Bowling Green University. Ms. Legando also holds the P&C and Life/Health licenses.

HO Reinsurance employee **David Raga** has been promoted to Senior Accountant. A Utica employee since 1989, Mr. Raga formerly held the title of Accountant II. He holds associate's and bachelor's degrees in accounting form Mohawk Valley Community College and SUNY at Utica-Rome, respectively. Mr. Raga, who earned the American Management Association's Certificate in Management, also has completed course work required for the ARe professional designation.

Appendix D

Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-8
Plaintiff's Rule 7.1 Response Filed 05/28/08
Sr Accountant 2003 Promotion
Exhibit 72, p.3 (Reformatted/Original Format)

Jennifer Tenney has been promoted to RFI Claims Specialist. Ms. Tenney, who previously served as a Claims Representative, joined Utica National in 2000. A graduate of the Ohio State University with a bachelor's degree in music performance, Ms. Tenney holds the AIC professional designation. She also completed several industry-related pictorials.

For the Record

BEST AVAILABLE COPY

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Sr Accountant - 2003 Review
Exhibit 26, p.2

Job Knowledge:
Give consideration to aspects such as:
- Comprehension
- Retention

□ Has comprehensive knowledge of the job. Consistently adds to job knowledge.
□ Has solid understanding of the job. Frequently adds to job knowledge.
x Understands the major aspects of the job. Retains learning. Occasionally adds to job knowledge.
□ Does not consistently demonstrate [redacted] knowledge or major aspects of the job. Repetition of mistakes in some areas results in retraining.
□ Does not demonstrate knowledge of basic job concepts. Continuously repeats mistakes.

Comments: [Redacted] has been a member of the Reinsurance team for only 6 months and has become exposed to many facets of Reinsurance. He has a fundamentally sound accounting background from his 13 years of experience in the accounting department and his comprehension and retention of the multiple aspects of reinsurance to date has been good.

I expect that [redacted] will continue broadening his knowledge of Reinsurance and suggested that he commit to continuing his education within the Reinsurance field – specifically with regards to the successful completion of the ARe program.

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Working Relationships:
Give consideration to aspects such as:
- Cooperation
- Ability to work for/with others
- Flexibility

□ Consistently maintains harmonious working relationships with diverse group. Excellent acceptance by others. Consistently communicates well with others.

x Often establishes harmonious relationships. Very good acceptance by others. Usually communicates well with others.

□ Relationships are generally positive. Good acceptance by others. May communicate well with others

□ Has difficulty in consistently establishing or maintaining harmonious relationships. Has difficulty in communicating with others.

□ Poor working relationships requiring frequent supervisory intervention. Consistent difficulty in communicating with others.

Comments: [Redacted] is extremely cooperative with both his supervisor and his customers, and he consistently demonstrates a "can do" – positive [redacted]. In many Team meeting, he has taken a positive outlook which has resulted in allowing for positive group discussion.
[Redacted] has taken the leadership role within the Reinsurance Team and has become their spokes-

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person. He has also taken the lead role of mentoring our intern.

Attendance:

Give consideration to aspects such as:

- Absence
- Lost time since last review (excluding vacation) hrs.

x Extremely dependable. Outstanding record of attendance and availability.

□ Highly dependable with minimum loss of workdays..

□ Dependable. Absence record does not exceed company guidelines.

□ Sometimes less than dependable due to frequency of absence. Absence record is moving toward exceeding Company guidelines.

□ Not dependable. Loses considerable time and work due to absenteeism. Absence record exceeds company guidelines. Disciplinary action required.

Comments: [blank]

2

PERFORMANCE PLAN ACTION: State the agreed-up performance improvement objectives. Each objective should indicate an action plan and time frame for completion.

Factor Quality

Objective(s) To maximize ProCede potential in producing quality and accurate reinsurance accounting data. To enhance operational

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efficiencies in billing and payment of reinsurance obligations.

Plan of Action -Learn the potentials of ProCede and exploit the possibilities. -Take time to step back and assess the situation – ask yourself, does it make sense? -Be aggressive in the learning of the system – constantly ask "why".

Factor Productivity

Objective(s) [blank]

Plan of Action [blank]

Factor Job Knowledge

Objective(s) To aspire to the highest degree of technical expertise.

Plan of Action -Successful completion of ARe coursework – a must! Timeframe: complete ARe 141 – Sept '03 and ARe 142 – Dec '03. –Use the company sponsored PC classes – use of Mindleaders online training for Access and Crystal training. Timeframe: Spring/Summer 2003. –Stay close to the changing marketplace through trade journals – get on the distribution list. –Attend Reinsurance lunches, broker meetings, claims audit in order to gain an understanding of the discipline.

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Plaintiff's Rule 7.1 Response Filed 05/28/08
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- Employee's contribution to Group and departmental goals.
- Needed improvements identified in previous performance reviews.

GUILDLINES FOR EVALUATING PERFORMANCE

Preparation for the Review

The following steps will help the supervisor/manager evaluate the employee's performance and prepare for the performance review interview:

1. Set aside enough time to do the job carefully and thoroughly.
2. Review the notes of critical incidents (positive and negative) that have taken place since the last review and notes from interim review retained in the employee's personnel file.
3. Use a worksheet to note the employee's basis strengths and weaknesses, and write down illustrations for each strength and weakness before completing the review form.
4. Be realistic. Overrating, as well as underrating, can be detrimental.
5. Rely on facts. Do not allow personal biases, isolated incidents, or personality traits to distort the rating.
6. Compare the employee with the job requirements, not with another employee.
7. Formulate tentative conclusions, and try to analyze probable causes of factors affecting the

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employee's performance.

8. Consider extenuating circumstances.
9. Develop ideas for building on the employee's strengths.
10. Anticipate how the employee will react in the areas that will be discussed.

NOTE: For information about preparing effective, meaningful Performance review, refer to Performance Appraisal Expectations.

MAINTAING OBJECTIVITY IN RATING

Employee rating shall be supported with the inclusion of examples whenever possible in the evaluations. The following tendencies should be recognized and avoided by a supervisor/manager in order to keep ratings as objective as possible:

➢ "Halo Effect" – This is the tendency of the supervisor/manager to evaluate an employee by doing either of the following:

• Giving a rating of good for every factor of the evaluation if the employee's general performance is satisfactory.

• Finding nothing positive about an employee because his/her general performance is poor.

The supervisor /manager should remember that each employee has both strengths and weaknesses.

➢ Bias – This is the emotional tendency of the supervisor/manager to reward friends or those well likes by giving those employees good ratings and conversely, to punish those employees

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personally dislikes with poor ratings.

Date:02/05 Page 5

➢ Inaccurate Rating Because of Length of Service – This is the tendency to overrate long-service employees and to underrate short-service employees. The supervisor/manager assumes that the longer an employee performs a job the more knowledgeable and proficient the employee will become. This assumption is not necessarily true. Length of service in itself is not a measure of performance. In a performance review, how an employee performs his/her job is the object of the evaluation, not his/her length of service on the job.

➢ Personal Projection and Self-Identification – This is the tendency to rate an employee too subjectively. The supervisor/manager unconsciously feels that those employees who resemble the supervisor/manager in any way, whether it be in personality, physical appearance or work habits, are somewhat superior to employees who are different from the supervisor/manager.

➢ Loose Rating – This results when a supervisor/manager, in an attempt not to hurt any employee's feelings, gives all employees being evaluated rating that are too high to be realistic or accurate. Such inexact ratings are harmful to both

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the supervisor/manager and the employee. Areas of weakness in the employee's performance remain uncorrected if not mentioned in a performance review.

The accuracy and objectivity of "loose" ratings given by a supervisor/manager can be questioned if the following should arise:

- If an employee who has received loose ratings is considered for a promotion but is found to lack the knowledge, skills, and/or attitudes indicated on his/her ratings.
- If an employee should suddenly be subject to disciplinary action for instances for poor performance which had occurred over a period of time but had never been reported in the performance review.

➢ Tight Rating – This results when a supervisor/manager feels that all the employees being rated fall short of expected standards. No one in his/her estimation should ever receive a good rating.

➢ Personal Competitiveness – This is the tendency of the supervisor/manager to show personal competitiveness toward employees by doing either of the following:

- Identifying himself/herself as a member of the group being rated without a conscious awareness of this.

Feeling that the employee being rated represents a direct challenge to the job of the supervisor/,manager.

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IDENTIFYING CAUSES OF INADEQUATE PERFORMANCE

- If inadequate performance is to be the primary focus of the evaluation discussion, the supervisor/manager should make every effort to identify the specific causes of the inadequate performance before the review. Generally, the causes of inadequacies fall into the following categories:

1. Ability

- Does the employee lack specific skills? If so, what skills are needed?
- Does the employee need more work experience/
- Is the employee capable of learning the job?
- Has the employee's previous training been adequate?
- Is the employee required education for the job lacking?

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U.S. District Court NYND Document 40-9
Plaintiff's Rule 7.1 Response Filed 05/28/08
: Unlawful Harassment
Exhibit 82, p.1

[Picture]

o Question: Harassment must be either "severe" or "pervasive" to be considered unlawful. Which of the following is an example of harassment that meets the "severe" standard?

o The best answers are:

A. Sexual teasing that makes the work environment unbearable.

B. Unwanted physical contact of a sexual nature

C. Calling a coworker by a racial slur

D. A gender-related comment

o Explanation of the answer

Harassment that meets the severe standard is offensive behavior that only needs to happen *once* to be considered unlawful. Examples include unwelcome sexual contact and the use of racial slurs. Sexual teasing and a single gender-related comment to not meet the severe standard. Such conduct might meet the *pervasive* standard if it occurs *on an almost daily basis* and makes the work environment *intolerable* for the recipient.

Economic Harassment

"Economic harassment" generally involves harassing behavior that results in a monetary loss for an employee or significant changes in workload or work assignment. Economic harassment requires that the threat of job loss or the promise of job benefits actually result in some type of employment action, such as termination, promotion, demotion, or reassignment to a considerably different job.

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 10/22/04 & 11/04/04 Emails
Exhibit 85, p.1

Michael Evolo/UNIG
11/04/2004 01:44 PM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: Responsibilities
Grazyna,
I'd recommend that you ask them questions to see if they understand what is expected of them. Leaving copious notes with specific information is another way. Their carelessness, and their not understanding something are two different things.
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662
Grazyna Christman/UNIG
[Picture] Grazyna Christman/UNIG
11/04/2004 10:33 AM
To: Michael Evolo/UNIG@UNIG
cc:
Subject: Re: Responsibilities
Mike,
I appreciate your praise!
I had explained to Natalia, Josh and David, accordingly and to my best ability, what needs to be done in my absence

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Please let me know HOW I CAN ASSURE that they understand what needs to be done, so that I will not be held accountable for their potential errors, when I come back from my disability leave.
Thank you!

Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica , NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914; ext.2214 or 315/734-2214
Fax: 315/734-2662
Michael Evolo/UNIG

1

11/04/2004 10:02 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: Responsibilities
Grazyna,
Looks like a good list. Remember, it is important that you explain what needs to be done, but even more critical is that she understands what needs to be done. I do not want to play the blame game later on so be sure you spend enough time with her, and that she completely understands your expectations of her. You can delegate responsibility; however, you can not

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delegate accountability.
Grazyna Christman/UNIG
[Picture] Grazyna Christman/UNIG
11/04/2004 09:29 AM
To: Michael Evolo/UNIG@UNIG
cc:
Subject: Re: Responsibilities
Mike,
Please advise, if there is anything else you want me to explain to the intern (Natalia), besides items outlined previously and listed below:
- processing of HSB cash receipt
- updating subject premium Excel files for JPW contracts
- keying in Excel files commission detail for Swiss Re and Gen Re programs paid on the earned basis
- verifying items listed on various facultative monthly statements to the Facultative Trial Balance?

Thank you!
Grazyna H. Christman
Reinsurance Accounting
Utica National Insurance Group
P.O. Box 530
Utica , NY 13503
Email: grazyna.christman@uticanational.com
Phone: 800/274-274-1914, ext.2214 or 315/734-2214
Fax: 315/734-2662

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U.S. District Court NYND Document 40-5
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 06/28/05 Email
Exhibit 46

----- Forwarded by Nina Owens/UNIG on 6/28/2005 10:29 PM -----

Michael Evolo/UNIG
06/28/2005 05:01 PM
To: Nina Owens@UNIG
cc
Subject: Grazyna Christman

[Stamp]
Defendant's
Exhibit Q
11/7/2007 NL

Nina,

The following are additional examples of errors in Grazyna's job responsibilities. These errors were discovered after her departure on 2/21/05.

- Premium Fac for Berkley/BF Re was done incorrectly (08/04). The wrong commission rate was applied.
- Commerce Survey was reported incorrectly. The premiums were reported year to date and should have been quarterly.
- One of the Swiss contingent commission calculations ('01 a/o 12/04) was done incorrectly. Some of the primary E&O and Umbrella amounts were switched.
- Errors with the ceded commission regional office allocations on the 2004 third and fourth quarter Surety Quota Share settlements.
- She never completed the write offs, I requested, on her account reconciliations for the reinsurance payable and reinsurance clearing accounts

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant 06/28/05 Email
Exhibit 46

Any questions, please let me know.
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662

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Case 6:06-cv-1392-GTS-GHL
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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant SDHR Extension Request Letters
Exhibit 49, p.3

GETNICK LIVINGSTON ATKINSON GIGLIOTTI & PRIORE, LLP Attorneys at Law, 258 Genesee Street, Utica, New York 13502
[stamp] Jun24 2005 DIVISION OF [not legible]
ALBANY REGIONAL OFFICE
Michael E. Getnick, John J. Livingston, Thomas L. Atkinson, Louis P. Gigliotti, Nicholas S. Priore, Janet M. Richmond*, David A. Murad+
(315) 797-9261 Fax (315) 732-0755
Mark P. Malak, Mary E. Johnson, Adam W. Meyers, Joseph A. DeTraglia◊, Andrew K. Ward, Patrick G. Radel
*Also admitted in D.C. & Iowa +Also admitted in Florida ◊Also admitted in Massachusetts

June 22, 2005
Ms. Linda Pitts, Investigator
New York State Division of Human Rights
Agency Building 2, 18th Floor
PO Box 2049
Albany, NY 12220
Re: Grazyna H. Christman v. Utica National Insurance Group SDHR Case No. 10105010

Dear Ms. Pitts:
This firm represents Utica National Insurance Group, Respondent in the above-referenced matter. This letter is written to confirm that the Respondent has been given until July 1, 2005 in which to file a

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response to the above complaint with the Division. Enclosed for the Division's files please find a completed Respondent Contact Information sheet for this case.

Thank you for your courtesy with respect to this matter. Please contact me if you have any questions or need any additional information.

Sincerely yours,

s/

Joseph A. DeTraglia

cc: Bernard J. Turi, Esq.

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-10
Plaintiff's Rule 7.1 Response Filed 05/28/08
.. Defendant Ambiguous Emails
Exhibit 90; p.1

Michael Evolo/UTICANATIONAL.COM
02/26/2004 10:47 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: FW:Reinsurance Recoverables - De
Date: Thursday, 26 February 2004 10:47am ET
To: Grazyna.Christman@UTICANATIONAL.COM
From: Michael.Evolo@ UTICANATIONAL.COM
Subject: Fw: Reinsurance Recoverables – December 31, 2003
G –

You may find some interest in this document that Josh produces. Any questions, please let me know.

Michael S. Evolo, CPCU, ARe
Reinsurance Department
Utica National Insurance Group
Phone - 800.274.1914 Ext. 2544
Fax - 315.734.2662
- - - - - - - - - (Forwarded letter 1 follows) - - - - - - - - -
Date: Thursday, 26 February 2004 9:20 am ET

To: Doug Robinson
cc: Anthony.Paolozzi, Bernard.Turi, Bob.Dicks, Brian.Lytwynec, Daniel.O'Connell, David.Raga, Lou.Pallante, Michael.Evolo, Rick.Beidleman
From Josh.Watkins@UTICANATIONAL

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Exhibit 90, p.1

Subject: Reinsurance Recoverables – December 31, 2003
Good morning!
Please find attached, the Reinsurance Recoverable report as of December 31, 2003.
Thanks,
Josh Watkins
Reinsurance Accountant II
josh.watkins@uticanational.com
telephone: (315) 734-2857
facsimile: (315) 734-2662

---- (SEGMENT 8 IS UNVIEWABLE PC ATTACHMENT NAMED DECEMBER.DOC
---- (SEGMENT 9 IS UNVIEWABLE PC ATTACHMENT NAMED MONTHLYG.XLS
---- (SEGMENT 10 IS UNVIEWABLE PC ATTACHMENT NAMED MONTHLY0.XLS

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U.S. District Court NYND Document 40-10
Plaintiff's Rule 7.1 Response Filed 05/28/08
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Exhibit 90, p.2 (Reformatted MS Excel Chart)

Reinsurance Recoverable: December 2000- December 2003 (does not include asbestos)

Dollars (In Millions)

20.0						
18.0						
16.0						
14.0						
12.0						
10.0					*Value1*	
8.0				*Value1*		*Value1*
6.0		*Value1*	*Value1*			
4.0	*Value1*					
2.0						
0.0	*Value2*	*Value2*	*Value2*	*Value2*	*Value2*	*Value2*
	Dec-00	Mar-01	Jun-01	Sep-01	Dec-01	Mar-02
20.0						
18.0						
16.0				*Value1*		
14.0						
12.0			*Value1*			
10.0	*Value1*	*Value1*				*Value1*
8.0						
6.0					*Value1*	
4.0						
2.0						
0.0	*Value2*	*Value2*	*Value2*	*Value2*	*Value2*	*Value2*
	Jun-02	Sep-02	Dec-02	Mar-03	Jun-03	Sep-03

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20.0
18.0
16.0
14.0 *Value1*
12.0
10.0
8.0
6.0
4.0
2.0
0.0 *Value2*
Dec-03

Month/Year
Value1 – Current *Value2* - Past Due

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Exhibit 90, p.2 (Original Format)

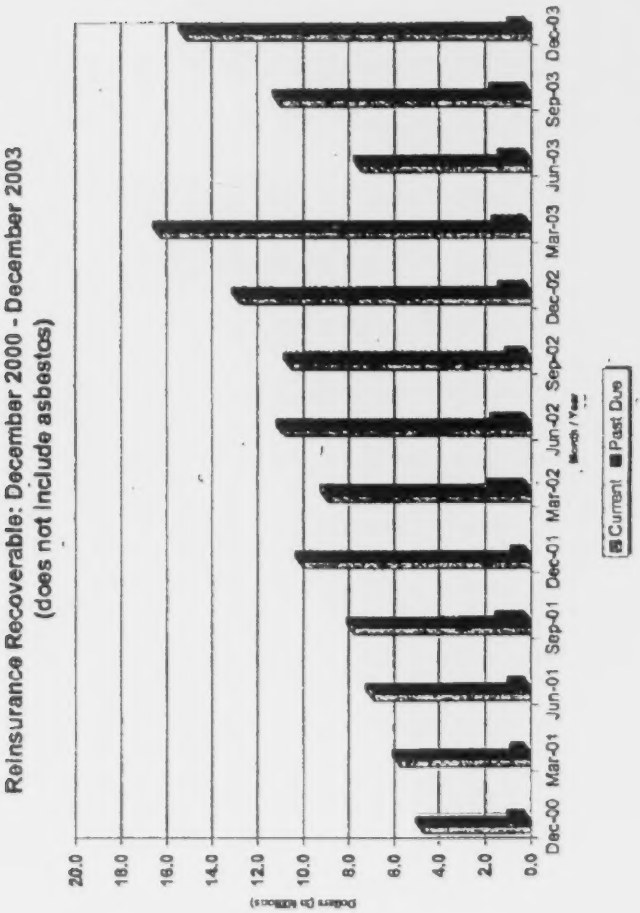

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Exhibit 90, p.3 (Reformatted MS Excel Chart)

Reinsurance Recoverable: December 2000- December 2003 (includes asbestos)
Dollars (In Millions)

22.0						
20.0						
18.0						
16.0						
14.0						
12.0						
10.0					*Value1*	
8.0				*Value1*		*Value1*
6.0		*Value1*	*Value1*			
4.0	*Value1*					
2.0						
0.0	*Value2*	*Value2*	*Value2*	*Value2*	*Value2*	*Value2*
	Dec-00	Mar-01	Jun-01	Sep-01	Dec-01	Mar-02
22.0				*Value1*		
20.0						
18.0						
16.0						*Value1*
14.0					*Value1*	
12.0			*Value1*			
10.0	*Value1*	*Value1*				
8.0						
6.0						
4.0						*Value2*
2.0					*Value2*	
0.0	*Value2*	*Value2*	*Value2*	*Value2*		
	Jun-02	Sep-02	Dec-02	Mar-03	Jun-03	Sep-03

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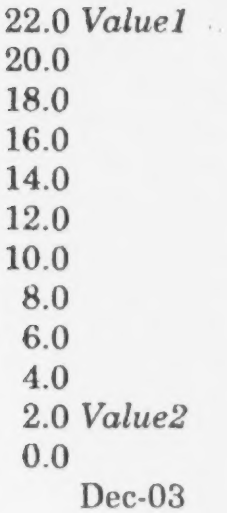
Exhibit 90, p.3 (Reformatted MS Excel Chart)



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-Defendant Ambiguous Emails
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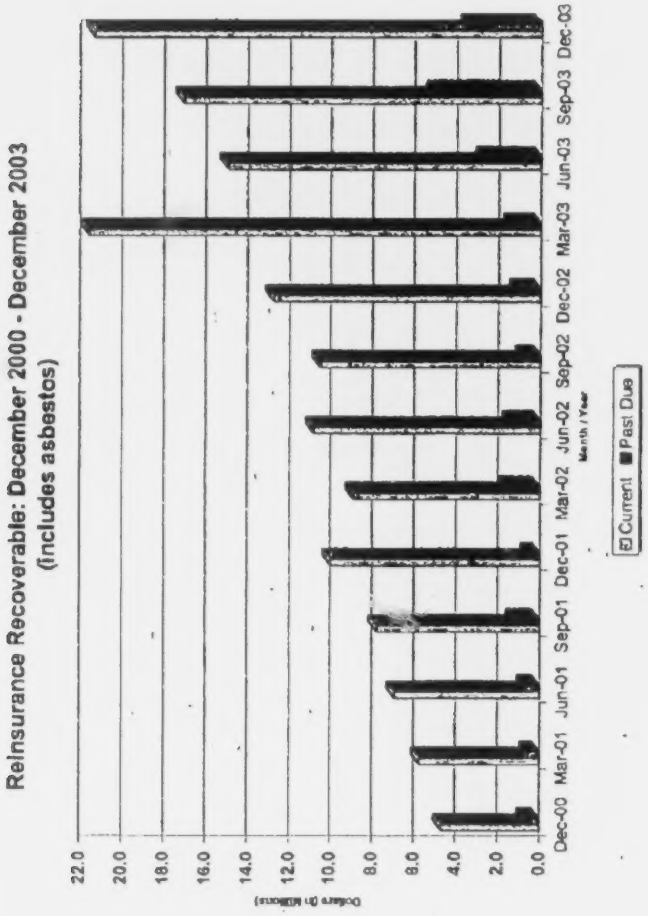

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Defendant Ambiguous Emails
Exhibit 90, p. 8

Michael Evolo/UNIG
02/01/2005 1008 AM
To: Grazyna Christman/UNIG@UNIG
cc:
bcc:
Subject: Re: Fw: Disbursement Requests
[attachment]
Grazyna,

It's not about being happy to comply, it's about taking the initiative to jump and assist others. I shouldn't have to dictate you what needs to be accomplished as you have been around long enough to know. Communicate with your co-workers and your will have your answers.
As for the disbursement requests, May is different than January/February, the two months that we are tasked with getting Schedule F complete. As I have mentioned countless times, you must be able to intuitively realize what is a priority and what isn't. These tasks are not new and you have been handling them for years.
Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662

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Case 6:06-cv-1392-GTS-GHL
U.S. District Court NYND Document 40-7
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant Accountant I Job Class 9 Description
Exhibit 65, p.1

[Logo] UTICA NATIONAL INSURANCE GROUP
[Handwritten] Job description I, II, Senior

JOB DESCRIPTION

POSITION: Accountant I	DEPARTMENT: Finance
JOB CODE: 415	CLASS: 9
STATUS: Non-Exempt	REVIEWED: 1/00
	REVISED: 3/03

I. REPORTS TO: Director/Manager
II. JOB DESCRIPTION: Under direct supervision, assist in the preparation of financial statement/tax returns through analysis of information related to the various inputs to the general ledger completion of workpapers, completion of journal entries, research of problem or processing errors, reconciliation of accounts and completion of reports as needed. Included is a basic understanding of statutory accounting and an ability to understand and use personal computer and related desktop applications as an integral part of daily work responsibilities. Ability to analyze and investigate problems or questions by using the appropriate application and skills. Any other duties or assigned tasks as requested by the Director/Manager.

JOB SPECIFICATIONS

POSITION: Accountant I	DEPARTMENT: Finance
STATUS: Non-Exempt	REVIEWED: 1/00
	REVISED: 3/03
JOB CODE: 415	CLASS: 9

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U.S. District Court NYND Document 40-7
Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant Accountant I Job Class 9 Description
Exhibit 65, p.1

1. EDUCATION: - Associate degree or equivalent business experience in related field
   - Insurance coursework a plus.
2. COURSEWORK: IIA General Insurance Series, helpful
3. EXPERIENCE: Not mandatory, but helpful

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Plaintiff's Rule 7.1 Response Filed 05/28/08
Defendant Accountant II Job Class 11 Description
Exhibit 66, p.1

[Logo] UTICA NATIONAL INSURANCE GROUP
JOB DESCRIPTION

POSITION: Accountant II	DEPARTMENT: Finance
JOB CODE: 416	CLASS: 11
STATUS: Exempt	REVIEWED: 1/00
	REVISED: 8/04

I. REPORTS TO: Director/Manager
II. JOB DESCRIPTION: Under general supervision, prepare financial statements/tax returns through proper understanding and application of statutory accounting principles and procedures. Included is a thorough knowledge of the company's requirements and processing schedule of financial activities related to closing a period.
With the knowledge and skills, complete analysis of information related to the various inputs to the general ledger, completion of workpapers, completion of journal entries, research of problem or processing errors, reconciliation of accounts and completion of reports as needed. Included is the ability to use desktop personal computer applications to accomplish the responsibilities in an efficient manner.
Ability to handle more complex assignments and to be able to assist and guide less experienced accounting staff members. Proficient in analyzing and investigating problems or questions by using the appropriate applications and skills. Any other duties

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Defendant Accountant II Job Class 11 Description
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or assigned tasks as requested by the Director/Manager.

JOB SPECIFICATIONS

POSITION: Accountant II	DEPARTMENT: Finance
JOB CODE: 416	CLASS: 11
STATUS: Exempt	REVIEWED: 1/00
	REVISED: 8/04

1. EDUCATION: - Bachelor's degree in related field
   - Insurance coursework, a plus.
2. COURSEWORK: - IIA General Insurance Series, helpful
   - AIAF, ARE, CPCU, a plus

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U.S. District Court NYND Document 49-3
Plaintiff's Opposition to Defendant's Cross-Motion for Protective and Confidentiality Order Filed 09/02/08
Defendant 02/21/05 Email
Exhibit 110

From: Michael Evolo/UNIG <Michael Evolo/UNIG@unig>
To: Martha Dumont/UNIG
Subject: Re: Fw: Treasury Mailing
Date: 2/21/2005 1:28:05 PM
Martha,

I believe Dave has left you a v-message regarding this matter. We are just waiting for George and Fran to sign. Please let us know if you need anything further.

Michael S. Evolo, CPCU, ARe
Supervisor of Reinsurance Operations
Utica National Insurance Group
315.734.2544
800.274.1914 Ext. 2544
Fax – 315.734.2662

Martha Dumont/UNIG
02/21/2005 12:39 PM
To: Grazyna Christman/UNIG@UNIG
cc: Michael Evolo/UNIG@UNIG, Daniel O'Connell/UNIG@UNIG
Subject: FW: Treasury Mailing
How are you coming with the Treasury Schedule F and Schedule of Excess of Risks? Will I have them today?

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I just made a list of all the mailings that must actually be "received" by March 1st. The U.S. Treasury mailing must be received by March 1st and I need to mail it tomorrow along with 20 others that must be "received" by March 1st.
Let me know today. md

Martha E. Dumont, CPA, ARe
Martha.dumont@uticanational.com
Phone: 315-734-2868
Fax: 315-734-2994
------ Forwarded by Martha Dumont/UNIG on 02/21/2005 12:33 PM -----
Martha Dumont/UNIG
02/14/02005 09:06 AM

To: Grazyna Christman/UNIG
cc:
Subject: Treasury Mailing

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Exhibit 111

8/29/08

Schedule F @12/31/2004 Plan of Action		
1) Interfaces		Target Date
a) Premium Written Non-Treaty		
	Grazyna	1/12-14/2005
b) Premium Written Treaty		
	Grazyna	1/12-14/2005
c) Unearned Premium Non-Treaty		
	Grazyna	1/13-14/2005
d) Unearned Premium Treaty		
	Grazyna	1/15-14/2005
e) Reinsurance Ceded Payable		
	Grazyna	1/12-14/2005
f) Loss Reserves Non-Treaty		
	Josh	1/12-14/2005
g) Loss Reserves Treaty		
	Josh	1/12-14/2005
h) Loss Expense Reserves Treaty		
	Josh	1/12-14/2005
2) Control Sheets		
a) Keying Amount	Grazyna/Intern	1/17/2005
b) Cross Check with corporate		
	Josh	1/21/2005
3) Manual Coding		
a) Cash received	TEAM	1/5/2005
b) Reins Recovered	TEAM	1/14/2005
c) Premium	TEAM	1/14/2005
c) LOC's	David	1/31/2005

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4) IBNR & Adequacy	David/Josh	1/17/2005
5) Schedule F Penalty	Josh	1/31/2005
6) Schedule F part 8	Grazyna	1/31/2005
7) Schedule F Finals	Josh	2/5/2005
8) Download in TSO for AS2000	Josh & David	
Lloyds		2/1/2005
Unit		2/2/2005
UNAC		2/2/2005
RFI		2/3/2005
Graphic		2/3/2005
Utica		2/4/2005
Combined		2/25/2005
9) Assumed Schedule F		
	Grazyna	2/7/2005
10) Other States Schedule F		
	Grazyna	2/17/2005
11) Treasury Schedule		
	Grazyna	2/17/2005
12) Commerce Survey		
	Grazyna	3/31/2005

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Defendant's 11/01/07 Email
Exhibit 112

From: JDeTraglia@glagplawfirm.com <JDeTraglia@glagplawfirm.com>
To: Dane Austin/UNIG; Michael Evolo/UNIG; Nina Owens/UNIG
Date: 11/1/2007 3:08:17 PM
Attachment N1: ATT00344.htm
Attachment N2: NotesDocAssentor.NOTE
Nina, Dane and Mike,
Your depositions will be held next Thursday, November 8 at our law offices. I will be coming to your offices on Monday the 5th for preparation sessions with each of you as previously arranged.
This afternoon our office's runner is hand-delivering to your offices (to the attention of Nina Owens/ Bernard Turi) an envelope containing four (4) identical sets of documents for review prior to Monday. It is most important for Mike to study these documents but the rest of you should also be aware of their contents.
The documents are limited to the period of time from the date of Ms. Christman's written warning on January 6, 2005 through her termination date of February 21, 2005. The reason is twofold: (1) to respond to Ms. Christman's request for any documents supporting the Company's decision to terminate her employment that were not already provided to the New York State Division of Human Rights; and (2) to focus your attention on her job

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performance during that period of time in order to justify that termination was the appropriate employment decision (as opposed to further warnings, probation, suspension, etc.). I also included Ms. Christman's document dated February 4, 2005 which purportedly responded to the January 6, 2005 warning but which she apparently did not deliver until the February 21, 2005 termination meeting. There is a large volume of paperwork in connection with this case so I am trying to narrow the scope as much as possible for now. Most of these documents will be turned over to her attorney unless you don't believe they support the Company's termination decision. If so, please let me know right away. Please feel free to contact me with any questions and concerns. Your attention to this matter is appreciated.

Thanks,

Joe

Joseph A. DeTraglia, Esq.
Getnick Livingston Atkinson Gigliotti & Priore, LLP
258 Genesee Street, Suite 401
Utica, NY 13502
telephone: (315) 797-9261
facsimile: (315) 732-0755
jdetraglia@glagplawfirm.com

This e-mail transmission contains information from the law firm of Getnick Livingston Atkinson Gigliotti

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2006 The Older Worker Advantage, Excerpts

THE OLDER WORKER ADVANATGE
Making the Most of Our Aging Force
GORDON F. SHEA and ADOLF HAASEN
PRAEGER Westport, Connecticut London
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10 9 8 7 6 5 4 3 2 1

CHAPTER 4
Shedding Common Assumptions. Myths, and

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2006 The Older Worker Advantage, Excerpts

Stereotypes about Older Employees

While the behavior of every age group is stereotyped by others to some degree, no group is as negatively affected by such generalizations as the elderly; at least other age groups are expected to outgrow their idiosyncrasies.

Older people are often perceived ass poor, isolated, senile, unhappy and unhealthy or as very well-off, playing endless golf into the sunset of their lives. As employees, they are often viewed as unmotivated and less creative and less productive than younger workers. Under these assumptions, they don't seem to offer characteristics that lead to promotions or to selections for new learning opportunities.

Several studies have shown that managers sometimes engage in age discrimination without being aware of it. Years, back, in 1977, a survey conducted of 1,570 subscribers to the *Harvard Business Review* sought to assess the degree to which age discrimination affected managerial decisions. [1] The respondents were divided into two groups, and each group was asked to evaluate a series of problems involving poor worker performance and decisions regarding training and promotions. The problems presented to the two groups were virtually identical except for the age of the employee involved in the incident. One-half dealt with a younger worker and the other half with an older one.

In each of the situations, the older employee fared worse in the respondents' evaluations, regard-

less of the person's qualifications. When both an older and a younger worker were failing to adequately perform the job, the older employee was seen as resistant to change, and the respondents recommended reassignment. Those surveyed believed, however, that the younger worker could benefit from an "encouraging talk." Similarly, the older, equally qualified worker was perceived as less motivated to keep up with the changing technology, as less creative, and as less able to deal with job-related stress. Age bias has been around for a long time.

What this and more recent research reflect is the self-fulfilling nature of discriminatory thinking. There is a tendency among some managers (as well as perhaps among many people in general) to believe that workers gradually loose their abilities as they age. Because advancement is usually based on the organization's view of the employee's potential, older workers are frequently not considered as candidates for such opportunities; rather they may be seen as obstacles to the company's growth.

In many cases the ideal candidate for a particular job is believed to be an individual in his or her 20s with a few years of work experience. Several studies suggest that many personnel specialists and managers have set their minds on this image and will not consider an older worker who is better qualified and willing to accept the proffered salary. Moreover, having been raised in society where "ageism" is rampant, older employees all too often begin to act the part expected of them.

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CULTURAL NOTIONS ABOUT AGE AND WORK

The mistaken notions about older people are so numerous and widespread that not all of them can be covered in a single chapter. Therefore, specific assumptions related to productivity, health and learning are dealt with later. Here we explore eight of the more general concepts that many people perceive as characterizing aged employees and the negative impact of such generalizations on older people in the workplace:

1. Older people should retire to make way for younger employees.
2. Most older people are pretty much alike.

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1 B. Rosen, "Management Perceptions of Older Employees," *Monthly Labor Review* 10, no. 5 (1978): 33-35.